



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 1/18/2022

**= Mandatory, information must be provided*

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

***Title:**

P21RZ00017 THALMA LLC – W. INA ROAD REZONING

***Introduction/Background:**

The applicant requests a rezoning of approximately .83 acres from the CR-1 (Single Residence) to the TR (Transitional) zone for an 1,160 square foot expansion for the existing, permitted, Adaptive Reuse rejuvenation center.

***Discussion:**

The proposed rezoning is for an expansion of five studio rooms to the existing rejuvenation center that operates under a Type I Conditional Adaptive Reuse permit. The use is equivalent in intensity to nearby commercial uses and should have minimal impact to the surrounding properties due to its existing approved use.

***Conclusion:**

A rezoning to the TR zone for professional or semi-professional office or personal services is in conformance with the Comprehensive Plan land use designation of Low Intensity Urban 1.2 and the applicable rezoning policy.

***Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL subject to standard and special conditions.

***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: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Rex Scott, Supervisor, District 17

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

DATE: December 27, 2021

SUBJECT: **P21RZ00017 THALMA LLC – W. INA ROAD REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, January 18, 2022** hearing.

REQUEST: For a **rezoning** from CR-1 (Single Residence) to TR (Transitional) zone on approximately .83 acres. The property is 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**.

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

PUBLIC COMMENT TO DATE: As of December 27, 2021, no written comment has been received.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 9 – 0; (Commissioner Hanna was absent)

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/TT/ds
Attachments



PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P21RZ00017

Page 1 of 3

FOR JANUARY 18, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: December 27, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P21RZ00017 THALMA LLC – W. INA ROAD REZONING

Thalma LLC requests a **rezoning** from CR-1 (Single Residence) to TR (Transitional) zone on approximately .83 acres. The property is 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**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 9 – 0**; (Commissioner Hanna was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.

(District 1)

Planning and Zoning Commission Public Hearing Summary (December 8, 2021)

The public hearing was held virtually. The staff, applicant and speakers presented via Teams or telephonically.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner questioned why the business needed to be open until 9 pm. Staff deferred the question to the applicant.

The applicant re-stated the request and discussed the on-going use of the Wellness and Beauty studio under the adaptive reuse permit and the necessity of the residential private setting to reflect a genuine departure from a commercial spa-type environment. He further stated that practitioners rent space at the property and the hours of operation from 9 am to 9 pm are to provide services for customers who work traditional 8 am to 5 pm and are not able to come in during work hours. The applicant discussed the improvements to his property will contribute to enhancing the Ina Road Corridor which seems to be developing with more commercial uses.

A commissioner questioned the uses that will occur in the evening. The applicant explained that the concierge medicine work traditional business hours, but hair is the main service that runs into the evening.

A commissioner asked whether the pool would be removed. The applicant responded that it will be demolished to accommodate the new 1,160-square-foot-addition.

The hearing was opened to the public. There were no speakers. The public hearing was closed.

Commissioner Truitt made a motion to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, Commissioner Maese gave second.

A commissioner stated that his wife is a stylist and he could vouch for the need of the late night appointments.

A commissioner stated that light trespass may affect the neighbors and requested that the owner/applicant reduce any conflict of automobile light trespass to the neighbors by utilizing the parking located near the front of the building during evening hours.

The commission voted to recommend **APPROVAL** of the rezoning 9 – 0; (Commissioner Hanna was absent), subject to the following conditions:

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

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 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)."

TD/TT/ds
Attachments

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

Preliminary Sketch Plan

THIS SKETCH WAS CREATED USING AVAILABLE BOUNDARIES, ROAD ALIGNMENT AND EASEMENT DATA FOUND ON PIMA.GOV AND IS FOR PLANNING PURPOSES ONLY. FINAL AREA TOTALS BASED ON ENGINEERED DATA WILL VARY FROM THOSE SHOWN IN THIS PLAN

ADDRESS: 1102 W. INA ROAD
 APN: 225-49-3050
 AREA: 0.83 ACRES
 EXISTING ZONING: Adaptive Reuse - LIU 1.2
 PROPOSED ZONING: TR - MIU
 PROPOSED USE: Rejuvenation Center
 EXISTING BUILDING AREA: 2,732 SF
 PROPOSED EXPANSION: 1,160 SF
 TOTAL BUILDING AREA: 3,892 SF
 MAXIMUM HEIGHT = 14'
 ZONE: CR-1 RESIDENTIAL

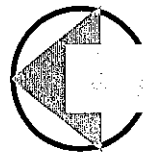
REQUIRED PARKING SPACES:

1 PER 200 SF = 19 SPACES
 +1 PER TECHNICIAN = 5 SPACES
 +TOTAL ALLOTTED = 24 SPACES
 +TOTAL SKETCH SPACES = 18
 PARKING SPACE SIZE = 10'X 20'; Handicap at 13' X 20'

My Studio Wellness & Beauty

THALMA LLC

Case: P21CA00002



SCALE: 1" = 40'

10'

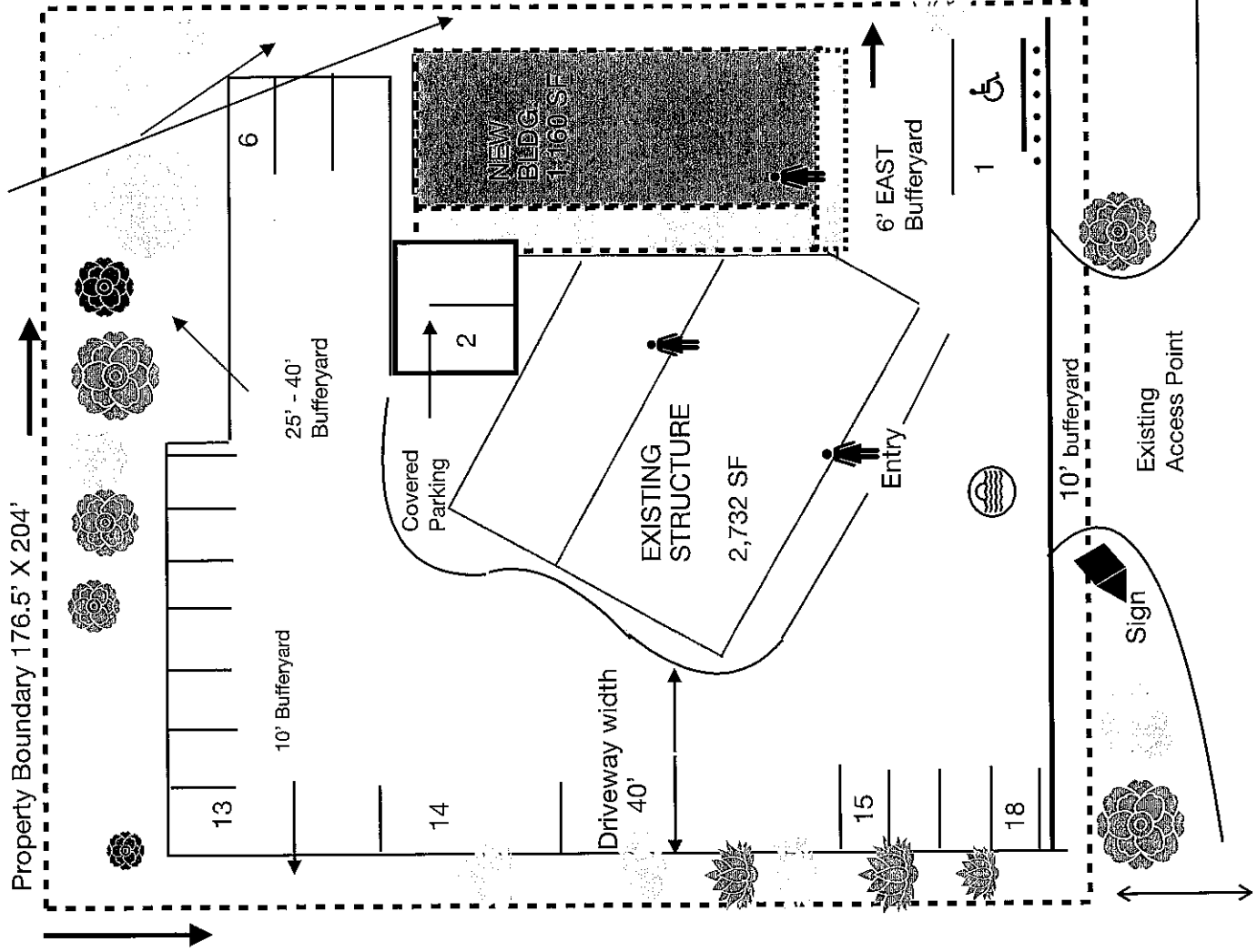
20'

40'

Solo-Drafting, GP
 520-248-1639

Existing 60" Masonry
 Wall at EAST Property w/
 6' - 10' buffer

Property Boundary 176.5' X 204'



W. INA RD ~ 40'
 PROPERTY to Roadway

Case #: P21RZ00017
Case Name: THALMA LLC - W. INA ROAD REZONING
Tax Code(s): 225-49-3050

Aerial Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Date: 11/15/2021 - ds



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

HEARING December 8, 2021

DISTRICT 1

CASE P21RZ00017 Thalma LLC – W. Ina Road Rezoning

REQUEST Rezone from CR-1 (Single Residence) to the TR (Transitional) Zone (.83 acres)

**OWNER/
APPLICANT** Thalma LLC
Attn: Thomas Boyle & Alma Cervantes
6159 N. Campo Abierto
Tucson, AZ 85718



APPLICANT'S PROPOSED USE

The approximately .83-acre subject property is planned for a 1,160 square foot expansion to the existing, permitted, rejuvenation center.

APPLICANT'S STATED REASON

"My Studio Wellness & Beauty, dedicated to personal services for clientele desiring a holistic approach to 'looking and feeling special'. The aim of the concept is to provide a setting that reflects a genuine departure from the typical commercial spa-type environment. The private home feel and residential setting are essential components of the business model."

STAFF REPORT SUMMARY

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a .83-acre rezoning to the TR (Transitional) zone for expansion to the existing My Studio Wellness & Beauty rejuvenation center conforming to the Low Intensity Urban 1.2 comprehensive plan land use designation. The current/proposed use is an expansion and should have minimal impacts to the surrounding properties due to its existing approved use.

PUBLIC COMMENT

As of the writing of this report, November 22, 2021, staff has not received any comments.

Published and mailed notice of the proposal along with the website posting of staff's report will occur a minimum of fifteen days prior to public hearing. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

COMPREHENSIVE PLAN

The current land use designation is Low Intensity Urban 1.2 (LIU 1.2) which designates areas for low density residential and other compatible uses and provides incentives for residential

conservation subdivisions. A recent comprehensive plan amendment (P21CA00002) was approved by the Board of Supervisors on August 16, 2021 for LIU-1.2 with the following rezoning policy:

Notwithstanding the objectives and residential density allowed under the Low Intensity Urban 1.2 (LIU-1.2) comprehensive plan land use designation, a rezoning to the TR (Transitional) zone for professional or semi-professional office or personal services only, shall be deemed in conformance with the comprehensive plan.

The expanded use of the property and proposed rezoning is in conformance with the comprehensive plan. No Special Area policy is applicable to the subject property.

SURROUNDING LAND USES/GENERAL CHARACTER

North	CR-1	Developed Residential Subdivision
South	CR-1	Developed Residential Subdivision
East	CR-1	Developed Residential Subdivision
West	CR-1	Developed Residential Subdivision

The area is characterized by low-density residential uses with a few, converted office type or low intensity commercially developed properties along the Ina Road thoroughfare. Several elementary schools and a middle school are nearby. Tohono Chul Park is approximately one-half mile to the east. Commercial services and retail goods exist along the Ina Road thoroughfare west of the subject property and include the Foothills Mall. Additional services exist along the Oracle Road corridor, approximately three-fourths of a mile to the east, which include local services, gas station, car wash, pharmacy, veterinary office, restaurants and grocery. The subject property lies in an area that is mostly developed.

PREVIOUS REZONING CASES ON PROPERTY

There has not been a previous rezoning for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

P21CR00001 - N. Ina Road Concurrent Plan Amendment and Rezoning from the LIU-1.2 to the LIU-1.2 with a rezoning policy and from the CR-1 (Single Residence) to the TR zone for expansion to the approved adaptive re-use conditional use permit for a cosmetic clinic, located approximately 900 feet west of the subject property. The plan amendment and rezoning were approved by the Board of Supervisors on September 7, 2021.

P17RZ00005 - N. La Canada Drive for a .79-acre rezoning from the CR-1 to the TR zone for 5,300 square foot office building located approximately 1,500 feet west of the subject property. The rezoning was approved by the Board of Supervisors on December 12, 2017.

Co9-11-01 – W. Ina Road for a .88-acre rezoning from the CR-1 to the TR zone to convert the single-family residence into a professional office, located approximately 350 feet west of the subject property. The rezoning was approved by the Board of Supervisors on July 12, 2011.

Past activity:

Most of the properties to the north and south of the subject property are original CR-1 zoning. Outside all of the well-established CR-1 developed subdivisions, most of the properties have been rezoned to low-density residential uses along with a few commercial TR, CB-1 (Local Business) and CB-2 (General Business) rezonings have occurred.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

The subject property is currently operating as a rejuvenation center under an approved Adaptive Re-use permit (Type I Conditional Use) issued in August of 2017. The adaptive re-use permit allows the use of the property as a rejuvenation center and spa with limited operating hours (8:00 am to 6:00 pm) and prohibits substantial remodeling or expansion to the use, hence the rezoning request. The rezoning proposal plans for a 1,160 square foot expansion to the existing building which will cause the in-ground pool to be demolished. The new addition will contain a waiting room, bathroom, small storage area and five additional studio rooms. The applicant is requesting that the hours of operation allowed under the rezoning be expanded to 9:00 am through 9:00 pm, Monday through Saturday.

Staff supports the request because the use continues to be a lower intensity use and is compatible with the residential and smaller commercial uses existing along the major Ina Road corridor. The proposal conforms to the comprehensive plan and concurrency of infrastructure exists to support the use expansion.

Ina Road is a Major Street and Scenic Route which limits the height of residential structures to two-stories and 24 feet for any structure within 200 feet of the scenic route. The preliminary sketch plan demonstrates compliance with this requirement with a maximum height of 14 feet. The expansion will be required to be earth tone in color and not exceed a light-reflective value of 80%. The development will provide a minimum 10-foot-wide bufferyard adjacent to Ina Road and on the western boundary of the property. A varying, 6 – 10-foot-wide bufferyard adjacent to the eastern property boundary and a 25 – 40-foot-wide bufferyard along the northern boundary are planned or partially exist to ameliorate the impact of the development to the adjacent residential uses. Some of the bufferyard elements will be augmented to meet the standards.

The sketch plan indicates that 18 parking spaces will be provided, but 24 spaces are required. The applicant may be able to gain additional on-site parking with redesign of the parking area. If not, a variance may be required at the time of permitting.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	N/A	

CONCURRENCY CONSIDERATIONS		
WATER	Yes	No objection
ENVIRONMENTAL QUALITY	Yes	No objection

TRANSPORTATION REPORT

Ina Road is a four-lane roadway with raised medians and multi-use lanes maintained by the County. The posted speed limit of Ina Road is 45 mile per hour (mph). Ina Road is classified as an Urban Principal Arterial by the Arizona Department of Transportation's (ADOT) Statewide Federal Functional System map. The most recent traffic count for Ina Road is 27,424 average daily trips (ADT) with an approximate capacity of 35,820 ADT. The proposed expansion of five additional studios to the existing My Studio Wellness and Beauty Rejuvenation Center will not negatively impact the capacity of Ina Road, but an auxiliary right-turn lane warrant analysis shall be provided with the Development Plan or Building Plan submittal.

The existing access on Ina Road will remain. Any modification to the existing access on Ina Road will require a right-of-way use permit.

Given that Ina Road is well under capacity, there are no concurrency concerns with this request. The proposed expansion is consistent with the current business model.

The Department of Transportation has no objection to the rezoning request subject to the addition of rezoning condition #2.

FLOOD CONTROL REPORT

The property is not located within mapped Flood Control Resource Area and is less than acre in size therefore is not subject to submitting a Preliminary Integrated Water Management Plan per the Pima County-Water Resources- Element Regional Comprehensive Plan Policy (Co7-07-04).

The Regional Flood Control District has no objection to the rezoning request.

WASTEWATER RECLAMATION REPORT

The property is served by public sewer. Allocation of sewer capacity will be required only if the existing water meter(s) serving the property are replaced with a larger-size water meter(s).

The Pima County Regional Wastewater Reclamation Department has no objection to the rezoning request subject to the addition of rezoning conditions #3A-F.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to the rezoning request subject to the addition of condition #4.

ENVIRONMENTAL QUALITY REPORT

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

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to the rezoning request subject to the addition of condition #5.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

City of Tucson Water has no comment.

TUCSON ELECTRIC POWER REPORT

Tucson Electric Power has no objection to the rezoning request and will require a new service application from the owner/developer to extend service to the new location.

FIRE DISTRICT REPORT

Golder Ranch Fire District has no comment.

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

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

1. 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 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)."




Respectfully Submitted,

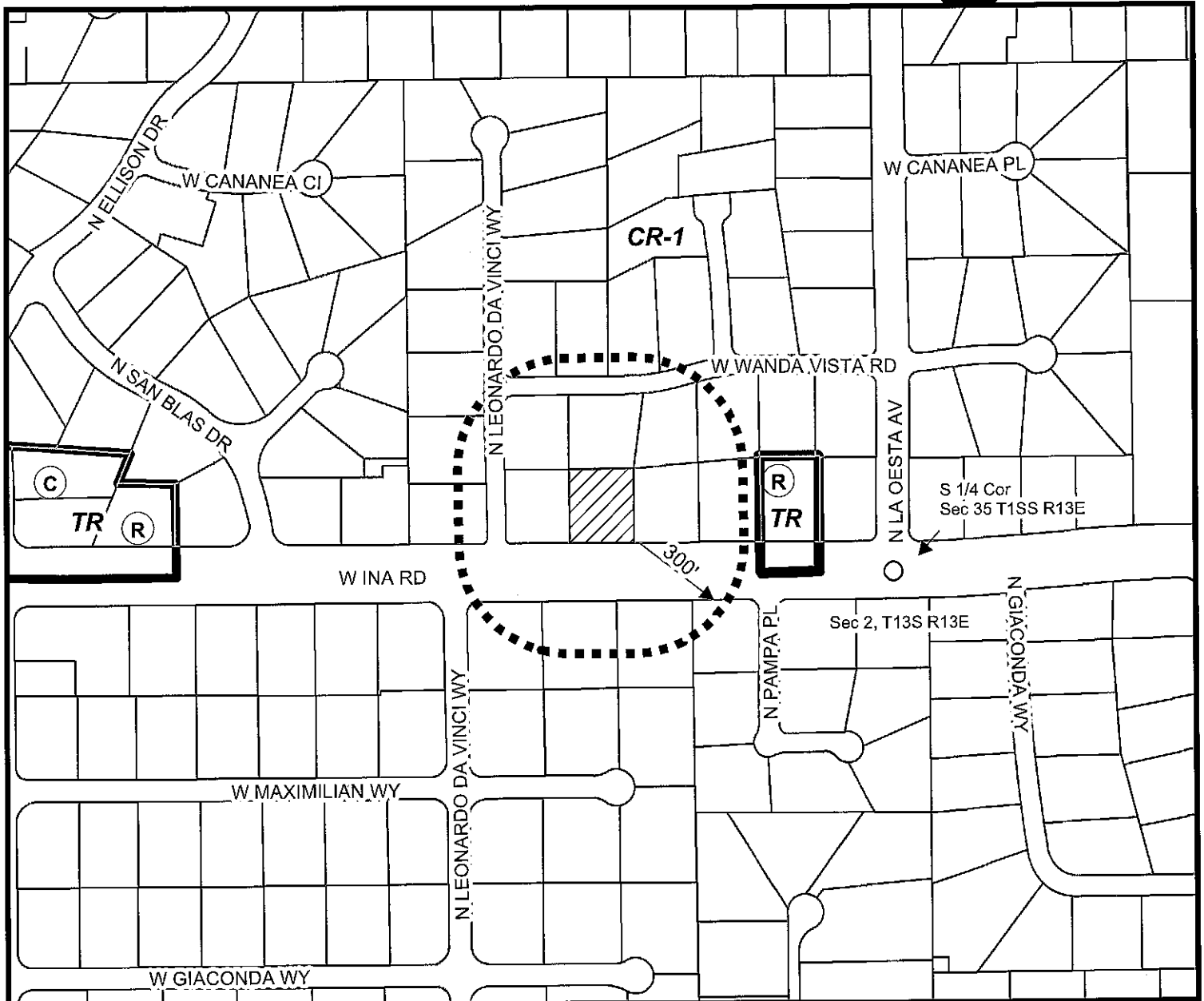
A handwritten signature in black ink, appearing to read "Terrill Tillman", with a long horizontal flourish extending to the right.

Terrill Tillman, AICP
Principal Planner

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

Case #: P21RZ00017
Case Name: THALMA LLC - W. INA ROAD REZONING
Tax Code(s): 225-49-3050

-  Subject Property
 300' Notification Area
 Zoning Boundary



0 180 360 720 Feet

Area of proposed rezoning from CR-1 to TR



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 12/8/21 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 77

Map Scale: 1:5,000

Map Date: 10/29/2021 - ds



Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

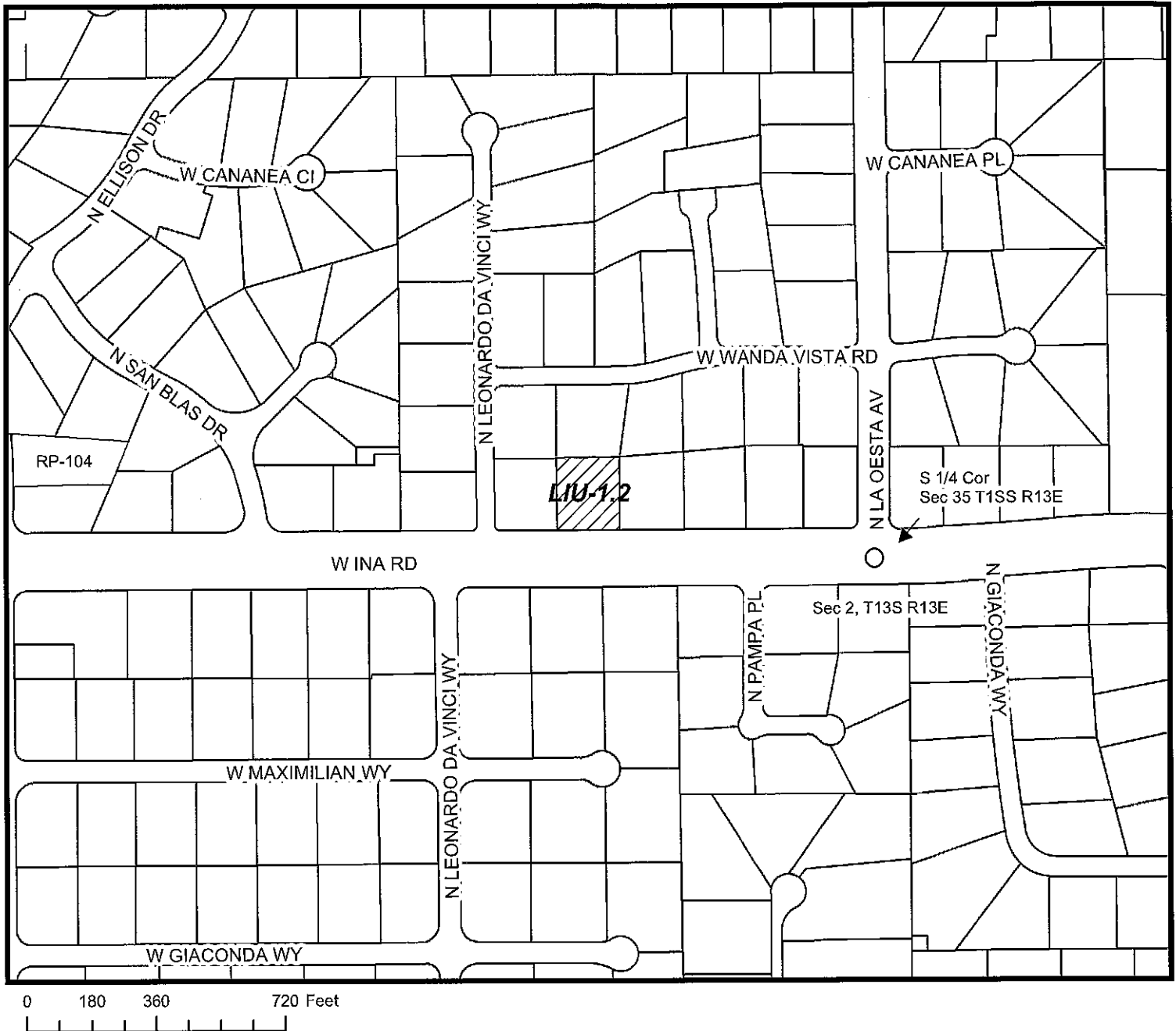
Low Intensity Urban 1.2 (LIU-1.2)

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC; 2.5 RAC with 45 percent open space; or 4 RAC with 60 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC; 2 RAC with 50 percent open space

Case #: P21RZ00017
Case Name: THALMA LLC - W. INA ROAD REZONING
Tax Code(s): 225-49-3050

Comprehensive Plan Exhibit

 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Date: 11/15/2021 - ds



The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

28. Hearing - Comprehensive Plan Amendment

P21CA00001, PENA - W. BUCKING HORSE ROAD PLAN AMENDMENT

Richard Pena requests a Comprehensive Plan Amendment of approximately 5.0 acres from the Low Intensity Rural (LIR) to the Medium Intensity Rural (MIR) land use designation, located 800 feet southwest of the intersection of W. Bucking Horse Road and S. Avenida Little Dogie and addressed as 6451 W. Bucking Horse Road, in Section 3, T17S, R12E, in the Upper Santa Cruz Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrilla were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 3)

- A. Notwithstanding the objectives and residential density allowed under the Low Intensity Rural (LIR) comprehensive plan land use designation, a rezoning to the GR-1 (Rural Residential) zone for one additional parcel and dwelling only, shall be deemed in conformance with the comprehensive plan.
- B. Development shall not impact the Flood Control Resource Area. The lot shall be split to provide buildable area outside the Flood Control Resource Area.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P21CA00001, subject to rezoning policies.

29. Hearing - Comprehensive Plan Amendment

P21CA00002, THALMA, L.L.C. - W. INA ROAD PLAN AMENDMENT

Thalma, L.L.C. requests a Comprehensive Plan Amendment of approximately .81 acres from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU), located approximately 250 feet east of the intersection of W. Ina Road and N. Leonardo da Vinci Way, addressed as 1102 W. Ina Road, in Section 35, T12S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrilla were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICY. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICY. (District 1)

- A. Notwithstanding the objectives and residential density allowed under the Low Intensity Urban 1.2 (LIU-1.2) comprehensive plan land use designation, a rezoning to the TR (Transitional) zone for professional or semi-professional office or personal services only, shall be deemed in conformance with the comprehensive plan.

It was moved by Supervisor Scott and seconded by Supervisor Christy to close the public hearing and approve P21CA00002, subject to rezoning policy. No vote was taken at this time.

Tom Boyle, Thalma, L.L.C., addressed the Board in favor of P21CA00002.

Upon the vote, the motion unanimously carried 5-0.

30. **Hearing - Rezoning**

P20RZ00007, RAGE, ET AL. - N. JUNIPER ROAD REZONING

Gerald Rage, et al., represented by the Planning Center, requests a rezoning of approximately 5.37 acres from the CR-1 (Single Residence) and SR (Suburban Ranch) zones to the CR-4 (Mixed-Dwelling Type) zone, Parcel Codes 225-36-0250 and 225-36-0350, located at the southeast corner of N. Juniper Road and W. Gilbert Street, addressed as 7250 and 7320 N. Juniper Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Maese and Membrilla were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

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. A 1-foot no access easement shall be provided along the western and northern boundaries of the site.
 - B. Prior to approval of the Tentative Plat, written proof of coordination with the Town of Marana regarding traffic impacts to their roadway system and any subsequent Town of Marana requirements shall be provided to Pima County Development Services.
 - C. A Traffic Memorandum shall be provided with the Tentative Plat submittal. The Traffic Memorandum should include the turn lane warrant analysis and trip distribution to determine impacts to the Pima County roadway network to the north. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures 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(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



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).

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

1102 W Ina Road Tucson AZ 85704; Tangerine Acres Lot #27; Tax Parcel # 225-49-3050

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.

From: [DSD Application for Rezoning or Specific Plan](#)
To: [DSD Planning](#)
Subject: Application for Rezoning / Specific Plan Submission
Date: Tuesday, October 26, 2021 8:49:11 AM
Attachments: [Site Analysis Document - P21CA00002 staff report 14June2021.pdf](#)

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

New submission

You received a new submission.

Owner name

THALMA LLC

Owner address

6159 N. Campo Abierto

Owner city

Tucson

Owner state

AZ

Owner zipcode

85718

Owner phone

5202481689

Email

thoswboyle@gmail.com

Applicant name

Thomas Boyle & Alma Cervantes

Applicant address

6159 N. Campo Abierto

Applicant city

Tucson

Applicant state

AZ

Applicant zipcode

85718

Applicant phone

5202481689

Applicant_email

thoswboyle@gmail.com

Property address

1102 W. Ina RD, Tucson AZ 85704

Property parcel number

225-49-3050

Property acreage

.83

Property present zone

LIU-1.2

Property proposed zone

MIU

Policies

NA

Site analysis document

[P21CA00002 staff report 14 June 2021.pdf](#)

Ftp-link**Signature**

I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Application date

26-Oct-2021

Rezoning Application Request Letter

Request of THALMA LLC on property located at 1102 W. Ina Rd., presently operating under a Type I conditional use/Adaptive Reuse permit, for a TR Transitional Zone (MIU), in accordance with Section 18.31.010 of the Pima County Zoning Code (District 1).

Background/Existing Use

Following approval of the 2017 Adaptive Reuse permit, THALMA LLC has operated a rejuvenation center, DBA *My Studio Wellness & Beauty*, dedicated to personal services for clientele desiring a holistic approach to 'looking and feeling special'. The aim of the concept was, and is, to provide a setting that reflects a genuine departure from the typical *commercial* spa-type environment. In fact, the private home feel and residential setting are essential components of the business model. Specifically, services such as Reiki, massage, facials, hair services, permanent makeup and concierge medicine have been offered. All service practitioners renting space at the property are independent businesspersons and, as such, are required to operate with the requisite professional license and insurance.

TR Transitional Rezoning Rational

The property is currently operating at its capacity under the Adaptive Reuse permit. It is the aim of the owners to maximize the real estates' optimal economic use by way of the (Future) TR permitting. Importantly, the economic objective will be congruent with prescribed aesthetic and environmental requirements of the AZ Growing Smarter/Plus initiatives. The owners are unaware of any environmental and, or conservation matters which would conflict with this plan request. Appended to this letter are both preliminary plan sketches and the *Biological Impact Report*.

Proposed Site modifications

With that background in mind, the business seeks to expand its physical footprint in order to grow its business. The outcome: independent small business personal service practitioners back to work and their clients confidently returning to a bit of familiar normalcy.

The existing structure would remain intact with no external/internal modifications. The “homey” feel is, the owners believe, part of the distinctive appeal. Supporting that appeal (and residential ‘fit’), the vegetative qualities will retain the current manicured native plantings. The new structure will integrate architecturally with the original building and will also be tied into the available water and sewer lines, as is the existing building.

The proposed structure would lie adjacent to the original building to its east, situated in a north-south facing within the required easement to the property line on that east boundary. Site work will require the demolition of the existing in-ground pool. The dimensions of the new structure are approximately 20’ X 60’ (1,160 sqft), as permitted by the granted rezone. The plan for the new structure interior would need to accommodate a waiting room, bathroom, small storage area and individual work areas (studios) for five (5) practitioners. Typically, service suites are 12’ X 12’ in dimension.

Currently the business accommodates five (5) practitioners, all of whom are independent business persons (not employees) who lease space from THALMA LLC. The new structure would adopt the same business arrangement. Due to the nature of the service work, generally no more than three practitioners are on-site at the same time in order to conform to the present parking restrictions of six spaces. We anticipate with a total of ten practitioners, only five to seven would be working at a time. Optimally, the new space would benefit greatly by the additional parking allotments (total 23 per the sketch plan) or proportionate to what has been allowed and that may be permitted within the proposed/new zoning granted.

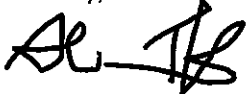
Aesthetically, to the structure’s south and west sides would be a patio cover, or eve, which would run the length of the building on both sides (noted on the sketch). The function of the eve would be to visually tie-in the new building to the existing structure. The second purpose would be to provide cover to the structure’s western side where it is planned to have a west facing hallway along which clients access their provider’s suite. The hall would have windows providing a view to the courtyard.

The south, west and northern portions of the parcel would be dedicated to parking (noted on sketch). Again, space number, markings, lighting, ADA compliance and requisite design codes are TBD. The plan would benefit if the rezone allows for a traditional ‘hard’ parking surface (with markings) in contrast to the existing gravel. Supporting whichever increase in parking is permitted, the plan notes the continued use of artful barriers situated at the west side of the parcel’s boundary. The north boundary makes use of a 25’ – 40’ bufferyard; the purpose for which is to shield neighbors from automobile headlights during the early evening business hours. Business hours are, and will remain, Monday through Saturday, 9:00AM to 9:00PM.

In addition to the preliminary sketch plan, attached are two other relevant images: the first being an aerial view of the properties' location on Ina Rd.; the second noting other small business/enterprises operating proximate to *My Studio Wellness & Beauty*.

Submitted respectfully to the Pima County Zoning Commission for its Pre-Application Meeting.

Sincerely,

A handwritten signature in black ink, appearing to be 'Al' followed by a stylized 'TB' or similar initials.

Alma Cervantes & Thomas Boyle

THALMA LLC

520-248-1689

thoswboyle@gmail.com

Mailing address:




6159 N. Campo Abierto

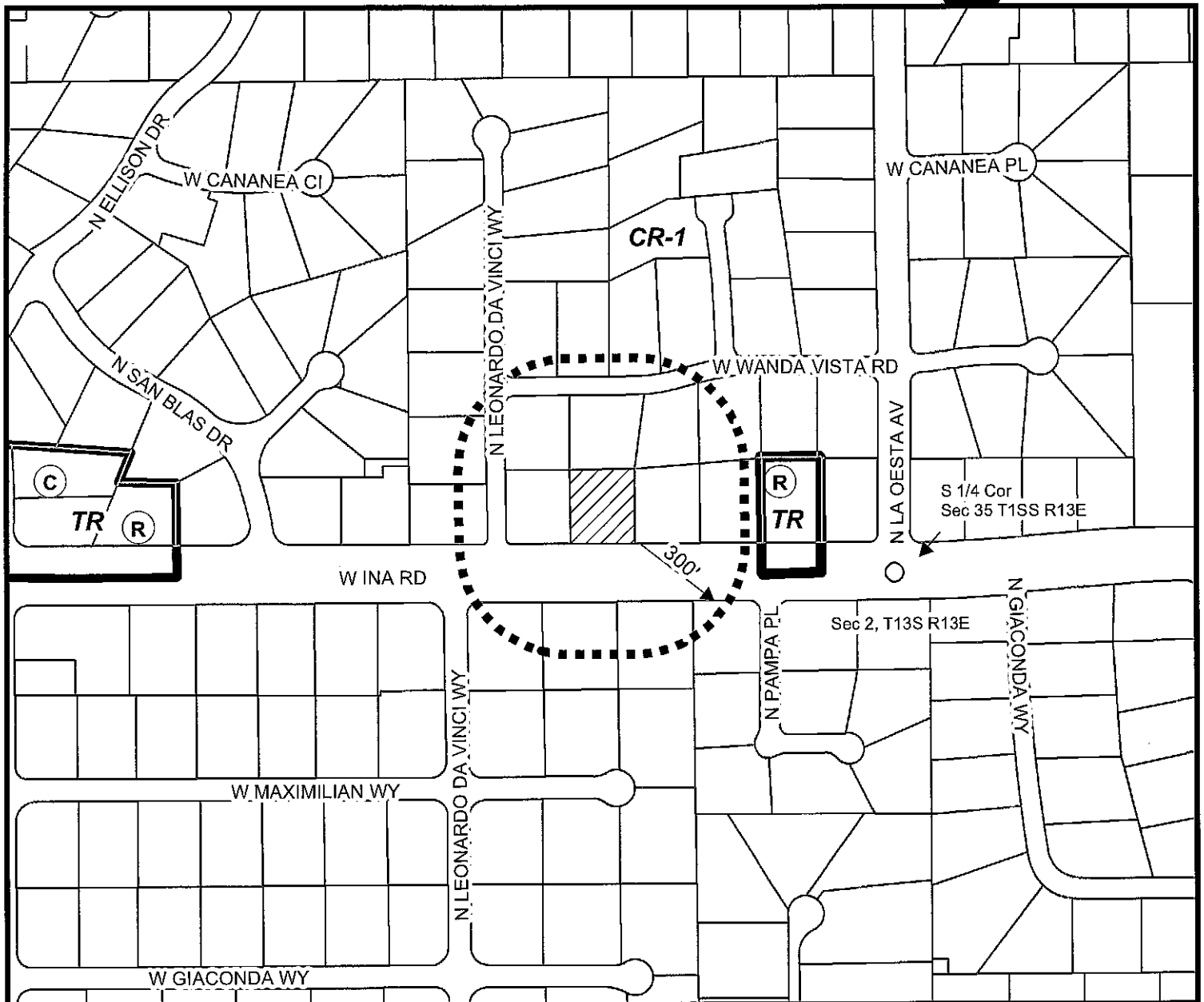
Tucson, AZ 85718

Case #: P21RZ00017

Case Name: THALMA LLC - W. INA ROAD REZONING

Tax Code(s): 225-49-3050

-  Subject Property
 300' Notification Area
 Zoning Boundary



0 180 360 720 Feet

Area of proposed rezoning from CR-1 to TR



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 12/8/21 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 77

Map Scale: 1:5,000

Map Date: 10/29/2021 - ds





Land Use Legend and Map

Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 1.2 (LIU-1.2)

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC; 2.5 RAC with 45 percent open space; or 4 RAC with 60 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC; 2 RAC with 50 percent open space

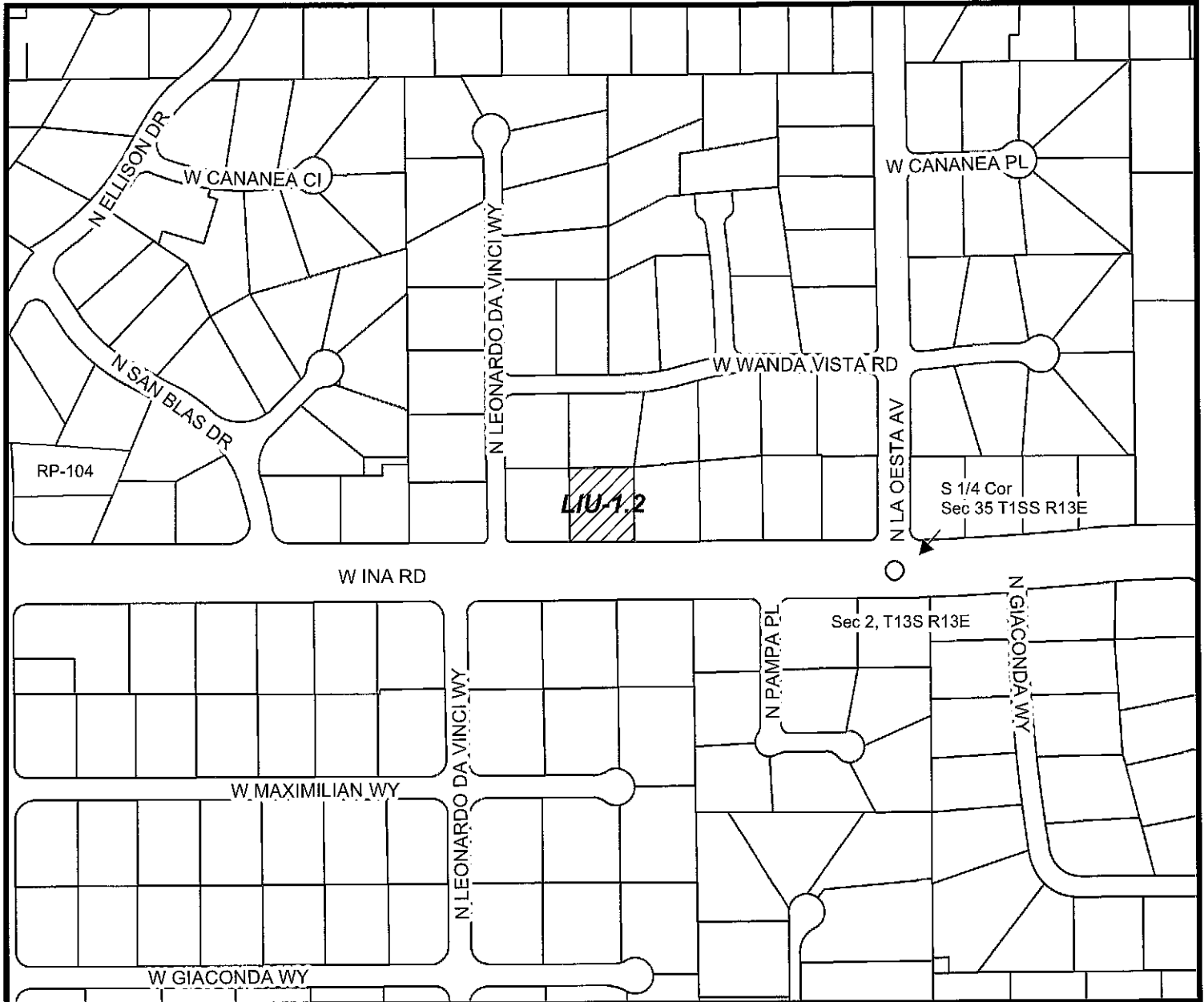
Case #: P21RZ00017

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Comprehensive Plan Exhibit

 Subject Property



0 180 360 720 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Date: 11/15/2021 - ds



The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

28. Hearing - Comprehensive Plan Amendment

P21CA00001, PENA - W. BUCKING HORSE ROAD PLAN AMENDMENT

Richard Pena requests a Comprehensive Plan Amendment of approximately 5.0 acres from the Low Intensity Rural (LIR) to the Medium Intensity Rural (MIR) land use designation, located 800 feet southwest of the intersection of W. Bucking Horse Road and S. Avenida Little Dogie and addressed as 6451 W. Bucking Horse Road, in Section 3, T17S, R12E, in the Upper Santa Cruz Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrila were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 3)

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Tom Boyle, Thalma, L.L.C., addressed the Board in favor of P21CA00002.

Upon the vote, the motion unanimously carried 5-0.

30. **Hearing - Rezoning**

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Gerald Rage, et al., represented by the Planning Center, requests a rezoning of approximately 5.37 acres from the CR-1 (Single Residence) and SR (Suburban Ranch) zones to the CR-4 (Mixed-Dwelling Type) zone, Parcel Codes 225-36-0250 and 225-36-0350, located at the southeast corner of N. Juniper Road and W. Gilbert Street, addressed as 7250 and 7320 N. Juniper Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Maese and Membrila were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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1102 W Ina Road Tucson AZ 85704; Tangerine Acres Lot #27; Tax Parcel # 225-49-3050

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Questions about this form?

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To: [DSD Planning](#)
Subject: Application for Rezoning / Specific Plan Submission
Date: Tuesday, October 26, 2021 8:49:11 AM
Attachments: [Site Analysis Document - P21CA00002 staff report 14June2021.pdf](#)

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New submission

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Owner name

THALMA LLC

Owner address

6159 N. Campo Abierto

Owner city

Tucson

Owner state

AZ

Owner zipcode

85718

Owner phone

5202481689

Email

thoswboyle@gmail.com

Applicant name

Thomas Boyle & Alma Cervantes

Applicant address

6159 N. Campo Abierto

Applicant city

Tucson

Applicant state

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Applicant zipcode

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Applicant phone

5202481689

Applicant_email

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Property address

1102 W. Ina RD, Tucson AZ 85704

Property parcel number

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LIU-1.2

Property proposed zone

MIU

Policies

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Site analysis document

[P21CA00002 staff report 14 June 2021.pdf](#)

Ftp-link**Signature**

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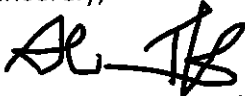
Aesthetically, to the structure’s south and west sides would be a patio cover, or eve, which would run the length of the building on both sides (noted on the sketch). The function of the eve would be to visually tie-in the new building to the existing structure. The second purpose would be to provide cover to the structure’s western side where it is planned to have a west facing hallway along which clients access their provider’s suite. The hall would have windows providing a view to the courtyard.

The south, west and northern portions of the parcel would be dedicated to parking (noted on sketch). Again, space number, markings, lighting, ADA compliance and requisite design codes are TBD. The plan would benefit if the rezone allows for a traditional ‘hard’ parking surface (with markings) in contrast to the existing gravel. Supporting whichever increase in parking is permitted, the plan notes the continued use of artful barriers situated at the west side of the parcel’s boundary. The north boundary makes use of a 25’ – 40’ bufferyard; the purpose for which is to shield neighbors from automobile headlights during the early evening business hours. Business hours are, and will remain, Monday through Saturday, 9:00AM to 9:00PM.

In addition to the preliminary sketch plan, attached are two other relevant images: the first being an aerial view of the properties' location on Ina Rd.; the second noting other small business/enterprises operating proximate to *My Studio Wellness & Beauty*.

Submitted respectfully to the Pima County Zoning Commission for its Pre-Application Meeting.

Sincerely,

A handwritten signature in black ink, appearing to be 'Al' followed by a stylized 'TB' or similar initials.

Alma Cervantes & Thomas Boyle

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