



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/7/2021

**= Mandatory, information must be provided*

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

***Title:**

P21CR00001 AMERICAN DREAM EPSILON LLC – W. INA ROAD PLAN AMENDMENT AND REZONING

***Introduction/Background:**

The applicant is requesting a concurrent comprehensive plan amendment and rezoning from Low Intensity Urban 1.2 (LIU-1.2) to LIU 1.2 with a rezoning policy; and from CR-1 (Single Residence) to TR (Transitional) zoning for an approximately .87 acres of land located at the northwest corner of W. Ina Road and N. San Blas Drive for an expansion to the existing Tucson Cosmetics clinic.

***Discussion:**

The proposed use is an expansion from six patient rooms to eleven for the existing cosmetic clinic and office which operates under an approved Type I, Conditional Adaptive Re-use permit. The use is not in conflict with any comprehensive plan policies and is equivalent in intensity to the adjacent commercial uses.

***Conclusion:**

A rezoning to the TR zone for professional or semi-professional office or personal services only shall be deemed in conformance with the comprehensive plan.

***Recommendation:**

Staff and the Planning and Zoning Commissioner recommend APPROVAL subject to a rezoning policy and 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: 8/18/21

Deputy County Administrator Signature: _____

Date: 8/18/2021

County Administrator Signature: _____

Date: 8/19/21

7/14/2021



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable, Supervisor Rex Scott, District 1

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

Tom Drazgowski

DATE: August 17, 2021

SUBJECT: P21CR00001 AMERICAN DREAM EPSILON LLC – W. INA ROAD PLAN
AMENDMENT AND REZONING

The above referenced Concurrent Plan Amendment and Rezoning is within your district and scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 7, 2021** hearing.

REQUEST: For a **Concurrent Plan Amendment and Rezoning** to amend the Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy and to rezone from CR-1 (Single Residence) to TR (Transitional) zone on approximately .87 acres. The property is located at the northwest corner of W. Ina Road and N. San Blas Drive addressed as **1230 W. Ina Road**, in Section 35, Township 12 South, Range 13 East, in the Catalina Foothills Planning Area.
(District 1)

OWNERS: American Dream Epsilon LLC
Attn: Dr. Sofia Rubbani
14225 N. Honey Bee Trail
Oro Valley, AZ 85755-4743

AGENT: The Planning Center
Attn: Lexy Wellott
2 E. Congress, Suite 600
Tucson, AZ 85701

DISTRICT: 1

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

PUBLIC COMMENT TO DATE: As of August 17, 2021, no written comment has been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS 9 -0** (Commissioner Maese was absent).

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS**

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

TD/TT/ds
Attachments

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P21CR00001

Page 1 of 3

FOR TUESDAY, SEPTEMBER 7, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 17, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

CONCURRENT PLAN AMENDMENT AND REZONING

P21CR00001 AMERICAN DREAM EPSILON LLC – W. INA ROAD PLAN AMENDMENT AND REZONING

American Dream Epsilon LLC, represented by The Planning Center, requests a **concurrent plan amendment and rezoning** to amend the Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy and to rezone from CR-1 (Single Residence) to TR (Transitional) zone on approximately .87 acres. The property is located at the northwest corner of W. Ina Road and N. San Blas Drive addressed as **1230 W. Ina Road**, in Section 35, Township 12 South, Range 13 East, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS 9 – 0** (Commissioner Maese was absent). Staff recommends **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (July 28, 2021)

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

Transportation staff updated the commissioners on the status of the roadway network and upstream impacts to the Town of Oro Valley addressing the necessity to consider each potential project separately to maintain the integrity of functional capacity and safety.

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

A commissioner asked about the Department of Environmental Quality comments regarding the septic tank. Staff replied that any necessary increase in septic capacity would be determined

during the permitting process.

A commissioner asked about the definition of a bufferyard. Staff replied that the intent of a bufferyard is to ameliorate the impact of a development to the neighbors and adjacent to streets. A bufferyard is a landscaped area that contains minimum numbers of trees and shrubs and usually contains a wall.

The applicant presented additional information about the existing commercial use and 1022-square-foot expansion and the additional bufferyard enhancements and added that bufferyards also reduce vehicular light trespass to adjacent properties.

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

Commissioner Gungle made a motion to recommend **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS**; Commissioner Cook gave second.

A commissioner expressed concern about the transition of residential to commercial uses along the Ina Road thoroughfare and the impact to the neighbors and streets.

A commissioner commented that he does not share the same concern and that the efficient use of infrastructure supports the changes along the major arterial. He has no concern about the septic on site and this type of conversion seems to be the future. He discussed that the impact to the transportation network and adding lanes for these transitions does not make sense given that traffic engineering is increasingly using high technology - instead of adding pavement, adaptive signals and technological solutions become important. The commissioner believes this is a great project and with the way our economy is evolving, these types of conversions will become more prevalent.

Another commissioner commented that this is not as black/white as it may seem and that the previous commissioner brought up a good point regarding the conversion of residential to commercial uses. He stated that the increasing noise for the residences located adjacent to an arterial street is unfortunate, but this is already commercial and they are asking for additional square footage. The conversion of residential to commercial uses is an important issue that is worth consideration in the future.

Another commissioner appreciated the concerns of the previous commissioners and added that, unfortunately, people who live on arterials may have bought homes before the streets became arterials. He further stated that this is an existing business and this type of development and expansion is typical.

The commission voted to recommend **APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL REZONING CONDITIONS** (9-0, Commissioner Maese was absent) subject to the following rezoning policy and conditions:

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.

Standard and Special Conditions:

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
3. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
4. Adherence to the sketch plan as approved at public hearing.
5. The use of the property is limited to a cosmetic clinic and office.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner 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: The Planning Center, Lexy Wellott, 2 E. Congress, Suite 600, Tucson, AZ 85701

THIS EXHIBIT WAS CREATED USING THE MOST RECENT AVAILABLE BOUNDARIES, ROAD ALIGNMENT AND EASEMENT DATA PROVIDED BY THE DIFFERENT GOVERNMENTAL ENTITIES AND ENGINEERING FIRMS AND IS FOR PLANNING PURPOSES ONLY. FINAL AREA TOTALS BASED ON ENGINEERED DATA MAY VARY FROM THOSE SHOWN ON THIS EXHIBIT.

PRELIMINARY SKETCH PLAN

ADDRESS: 1230 W. INA ROAD

APN: 225-49-1870

AREA: 0.87 ACRES

EXISTING ZONING: CR-1

PROPOSED ZONING: TR

EXISTING USE: COSMETIC CLINIC

PROPOSED USE: COSMETIC CLINIC

EXISTING BUILDING AREA: 3,265 SF

PROPOSED EXPANSION: 1,022 SF

TOTAL BUILDING AREA: 4,287 SF

MAXIMUM HEIGHT = 24'

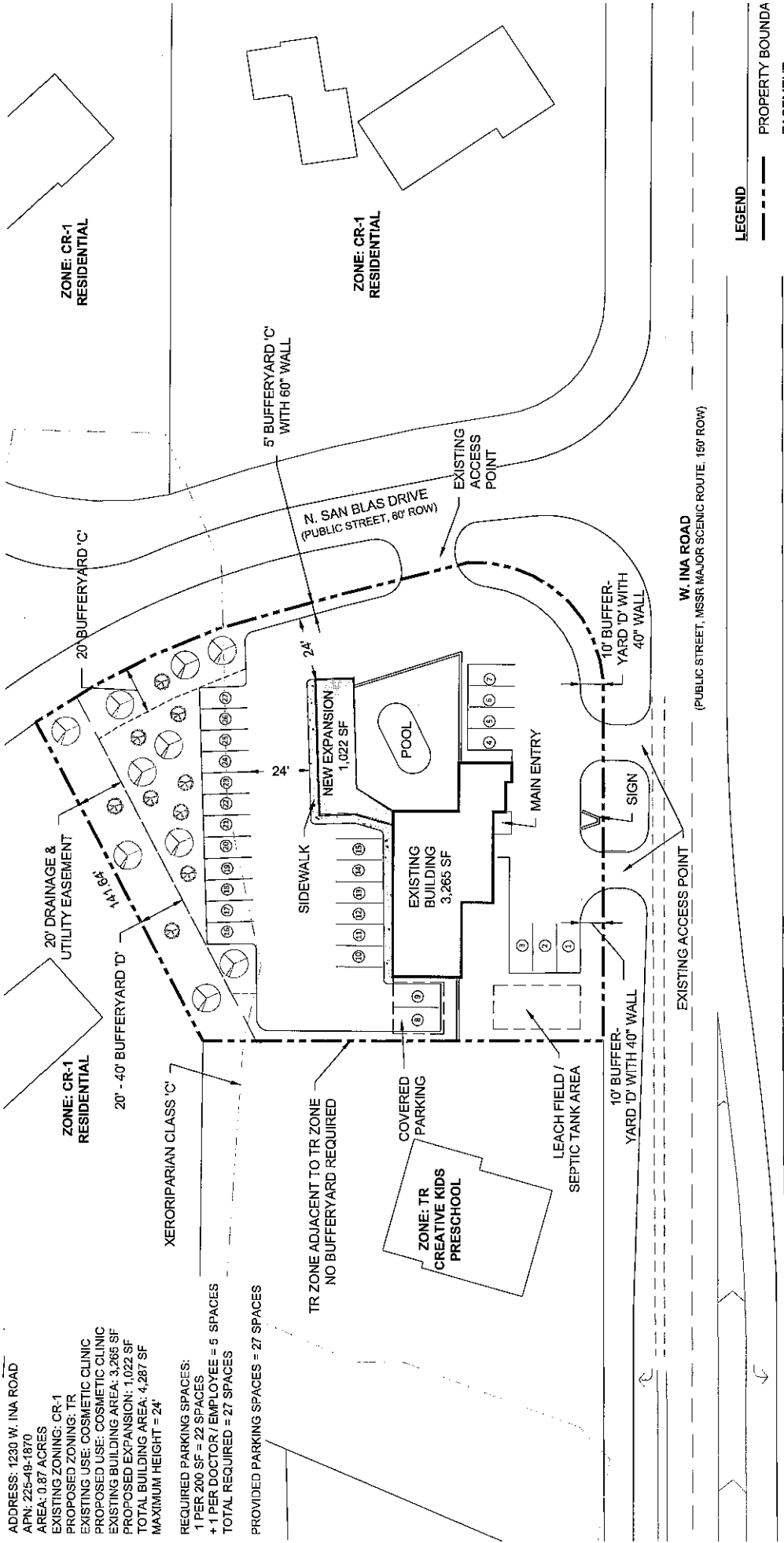
REQUIRED PARKING SPACES:

1 PER 200 SF = 22 SPACES

+ 1 PER DOCTOR / EMPLOYEE = 5 SPACES

TOTAL REQUIRED = 27 SPACES

PROVIDED PARKING SPACES = 27 SPACES



LEGEND

- PROPERTY BOUNDARY
- EASEMENT
- XERORIPARIAN "C"
- BUFFER YARD

SCALE: 1" = 40' 0"
 PROJECT: TUCSON COSMETICS
 DATE: 06/29/21
 FILE NAME: TUCSON_COSMETICS_PRELIMINARY_SKETCH_PLAN_062921.DWG

TUCSON COSMETICS

Case #: P21CR00001
Case Name: AMERICAN DREAM EPSILON LLC -
W. INA ROAD PLAN AMENDMENT AND REZONING
Tax Code(s): 225-49-1870

Aerial Exhibit



0 145 290 580 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:6,000

Map Date: 6/28/2021 - ds





**CONCURRENT PLAN AMENDMENT
AND REZONING
PLANNING AND ZONING COMMISSION
STAFF REPORT**

HEARING DATE	July 28, 2021
CASES	P21CR00001 American Dream Epsilon, LLC – W. Ina Road Concurrent Plan Amendment/Rezoning
PLANNING AREA	Catalina Foothills
DISTRICT	1
LOCATION	The property is located at the northwest corner of W. Ina Road and N. San Blas Drive
ACREAGE	.87 acres (+/-)
REQUEST	To amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy and to rezone from CR-1 (Single Residence) to TR (Transitional) zone for expansion to the existing approved adaptive re-use conditional use permit for a cosmetic clinic.
OWNER	American Dream Epsilon, LLC c/o Dr. Sofia Rubbani
AGENT	Lexy Wellott, The Planning Center

APPLICANT'S REQUEST

The applicant is requesting a concurrent comprehensive plan amendment and rezoning for a .87 (+/-) acres of land located at the northwest corner of W. Ina Road and N. San Blas Drive. The current comprehensive plan designation, Low Intensity Urban 1.2 (LIU-1.2) and CR-1 (Single Residence) zoning with a Type I Conditional Use Adaptive Re-use permit allows for a cosmetic clinic and office within the remodeled single family residence with limited hours of operation from 9:00 am to 5 pm, Monday – Friday and Saturday by appointment only during the hours from 9 am to 5 pm. The applicant proposes an expansion for the existing Tucson Cosmetics from six patient rooms to eleven. The five new patient rooms will be located within a proposed 1,022 square foot expansion.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL** for a plan amendment to Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy to allow for TR (Transitional) zoning for a cosmetic clinic. Staff also recommends **APPROVAL WITH CONDITIONS** for a rezoning to TR (Transitional) zone subject to standard and special conditions. The current/proposed use is an expansion of the existing cosmetic clinic and office. The use should have minimal impacts to the surrounding properties due to its existing approved use and the use is not in conflict with any of the policies of the Comprehensive Plan for the area. The proposal is equivalent in intensity to the adjacent commercial uses.

PUBLIC COMMENT

No public comment has been received as of July 13, 2021.

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. The proposed land use designation is Medium Intensity Urban (MIU) which designates areas for a mix of medium-density residential, garden apartments, single-family and non-residential uses such as office, medical office, and hotel uses.

There are no special area or rezoning policies applicable to the site.

Staff is recommending a rezoning policy that allows for TR (Transitional) zoning for a cosmetic clinic. While the LIU-1.2 land use designation allows for lower density residential and other compatible uses, it is generally inappropriate for permitted TR zone uses. Due to the existing approved adaptive re-use permit along the Ina Road high volume arterial, the subject property may be appropriate for a mix of residential and lower intensity business uses permitted in the TR zone. The following rezoning policy will bring the TR rezoning and proposed use expansion into compliance with the comprehensive plan:

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.

SURROUNDING LAND USE AND ZONING DESIGNATIONS

North	CR-1	Developed Residential Subdivision
South	CR-1	Developed Residential Subdivision
East	CR-1	Developed Residential Subdivision
West	TR	Commercial Day Care Center

The area is characterized by low-density residential uses with a few 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 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 COMPREHENSIVE PLAN AMENDMENT AND REZONING CASES ON THE PROPERTY AND THE GENERAL AREA

Previous land use plan amendment and rezoning requests:

The subject property has not had a previous land use plan amendment or rezoning.

Recent activity:

Two concurrent plan amendment and rezonings occurred within two miles of the subject property in 2019.

Case P19CR00001 was for an expansion to Frost RV located at 5131 N. La Canada Drive. The request was for Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) and to rezone from SH (Suburban Homestead) to CB-2 (General Business) zone on .89 acres. The amendment and rezoning was approved by the Board of Supervisors August 19, 2019.

Case P19CR00002 was for change of use located at the southwest corner of Oracle Road and Roller Coaster Road. The request was for High Intensity Urban (HIU) to Neighborhood Activity

Center (NAC) and to rezone from TR (Transitional) to the CB-1 (Local Business) zone on approximately .81 acres. The amendment and rezoning was approved by the Board of Supervisors September 3, 2019.

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 (Transitional), CB-1 (Local Business) and CB-2 (General Business) rezonings have occurred.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

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

PLANNING REPORT

Staff supports the request because there will be minimal impacts to surrounding properties and the request is not in conflict with any special area or rezoning policies. The proposal is an expansion of the existing Tucson Cosmetics cosmetology clinic and office. The western boundary of the property abuts a commercial child care center. To the north, a residential use exists and streets bound the property to the east and south. The request is compatible with the commercial uses to the west, the adjacency to the streets along the east and south, and the residential use to the north due to the Xeroriparian Class "B" undisturbed habitat area of the subject property located along the northern boundary providing 40 feet to 60 feet of natural area separating the commercial and residential uses. A 20-foot wide bufferyard "D" reduced to a 5-foot wide bufferyard is existing along the eastern boundary adjacent to the street. A minimum 10-foot bufferyard "B" with a 40-inch decorative masonry wall is required adjacent to the Ina Road thoroughfare. Enhancement of the minimal, existing bufferyard area is planned.

Staff is recommending approval of the Low Intensity Urban 1.2 (LIU-1.2) designation to remain with a rezoning policy that allows for TR (Transitional) zoning for a cosmetic clinic. Low Intensity Urban plans for compatible uses in lower density zones in which the proposed uses meet. The property is located along the Ina Road thoroughfare that contains a mix of low density residential and several converted residential uses to commercial uses, which is appropriate given their location. More intense uses may negatively affect the adjacent residential properties and change the scale and general character of the area. The properties to the west are also zoned TR with a land use designation of LIU-1.2 with a rezoning policy for limited commercial uses. The LIU-1.2 land use designation, while allowing *low density residential and other compatible uses*, is generally inappropriate for permitted TR zone uses. The use of the subject property along the Ina Road, high volume arterial is appropriate for a mix of residential and lower intensity TR business uses as demonstrated by the approved, existing adaptive reuse. As such, the rezoning policy would bring the TR rezoning and proposed use expansion into compliance with the comprehensive plan.

A concurrent plan amendment/rezoning would preclude future applications for a zoning district that is more intense, and given the proposed rezoning policy, limit future applications for higher intensity uses. Any future changes would require a separate comprehensive plan amendment and rezoning.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

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

FLOOD CONTROL REPORT

A mapped Flood Control Resource Area (FCRA) is located along the north portion of the property. The portion of the FCRA that impacts the property contains Regulated Riparian Habitat (RRH) classified as Xeroriparian Class B Habitat. The District recommends to avoid the FCRA and the site plan demonstrates avoidance.

The RFCD has no objection to the proposed comprehensive plan amendment and rezoning request.

TRANSPORTATION REPORT

The Department of Transportation has no objection to this request. Ina Road is a four-lane, divided roadway with raised medians and paved shoulders maintained by the County. The posted speed limit of Ina Road is 45 mile per hour (mph). 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 to the Tucson Cosmetics office will not impact the capacity of Ina Road.

The existing two access driveways on Ina Road and the one access driveway on San Blas Drive will remain. Any modification to the existing Ina Road entrance or exit, or improvements made by Pima County to Ina Road may require one of the driveways on Ina Road to be closed due to driveway separation standards.

There are no concurrency concerns with this request.

WASTEWATER RECLAMATION REPORT

Approval of the plan amendment/rezoning request would allow an expansion of existing business located on the north side of Ina Road east of La Canada Drive. As proposed in the submittal, the subject property will continue to utilize the existing on-site septic system.

The Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the proposed comprehensive plan amendment and rezoning request.

DEPARTMENT OF ENVIRONMENTAL QUALITY

A septic transfer permit was completed in 2017. The location of the system on the 2017 Report of Inspection (ROI) matches the rezoning sketch plan. The ROI estimates the design flow as 450

gallons per day (gpd) with a septic tank capacity of 800 gallons. The system was put in in 1958 and the ROI notes roots in the tank (although it was deemed water tight). The ROI also mentions possible issues with the leach field. Since there are five additional patient rooms, there will likely be added flow.

Environmental Quality Department has no objection to the rezoning. It is the responsibility of the owner to ensure that the septic system is appropriately sized and in good working condition prior to connecting and occupying the new expansion to the building.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection subject to condition #3.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

US FISH & WILDLIFE REPORT

US Fish & Wildlife has no comment.

TOWN OF ORO VALLEY REPORT

The Town of Oro Valley is concerned about the lack of access control from Ina Road. This stretch of Ina has a high potential for additional conversions from residential to commercial uses, either through the Adaptive Reuse Program or rezonings and allowing direct access from each business to Ina will be problematic.

Therefore, Town staff is only supportive of the proposed rezoning if access from Ina Road is removed and the entry off San Blas Drive is improved to become the only access point.

Additionally, staff has the following comments for your consideration:

- Preserve all of the vegetation north of the parking lot to act as a natural screening from vehicle headlights or install a solid screen wall, painted to match the building.
- Remove the parking spaces in front of the building and along the western property line as they back-up into the main drive.

METRO WATER DISTRICT REPORT

Metro Water District has no comment.

GOLDER RANCH 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:

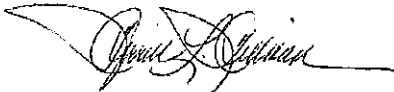
Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
3. In the event that human remains, including human skeletal remains, cremations, and/or

ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

4. Adherence to the sketch plan as approved at public hearing.
5. The use of the property is limited to a cosmetic clinic and office.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner 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(l)."




Respectfully submitted,

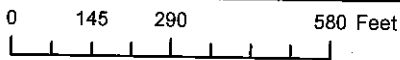
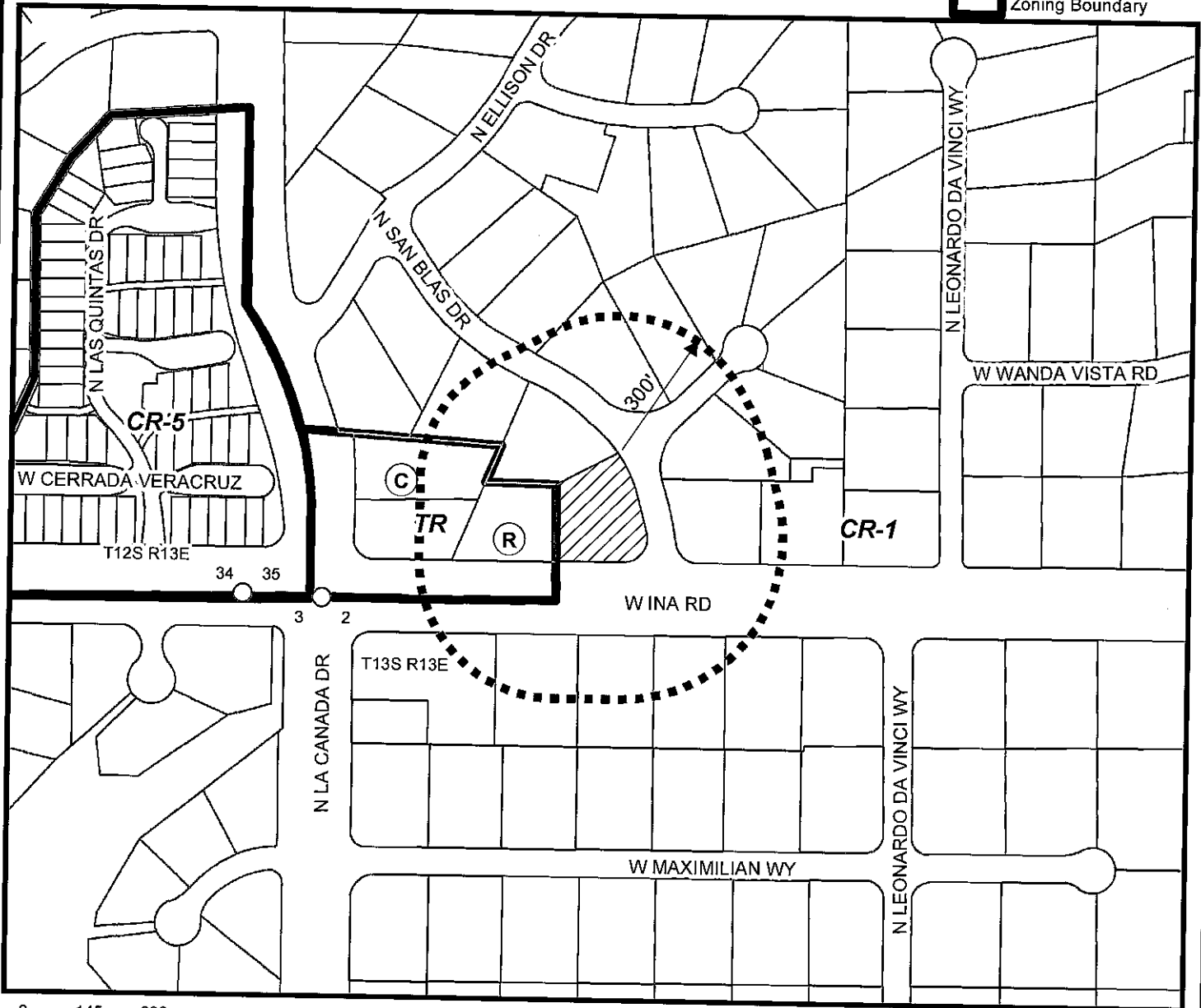


Terrill L. Tillman, AICP
Principal Planner

c: Lexy Wellott, The Planning Center

Case #: P21CR00001
Case Name: AMERICAN DREAM EPSILON LLC -
W. INA ROAD PLAN AMENDMENT AND REZONING
Tax Code(s): 225-49-1870

-  Subject Property
-  300' Notification Area
-  Zoning Boundary



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: 7/28/21 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 76 & 77

Map Scale: 1:6,000

Map Date: 6/28/2021 - 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.

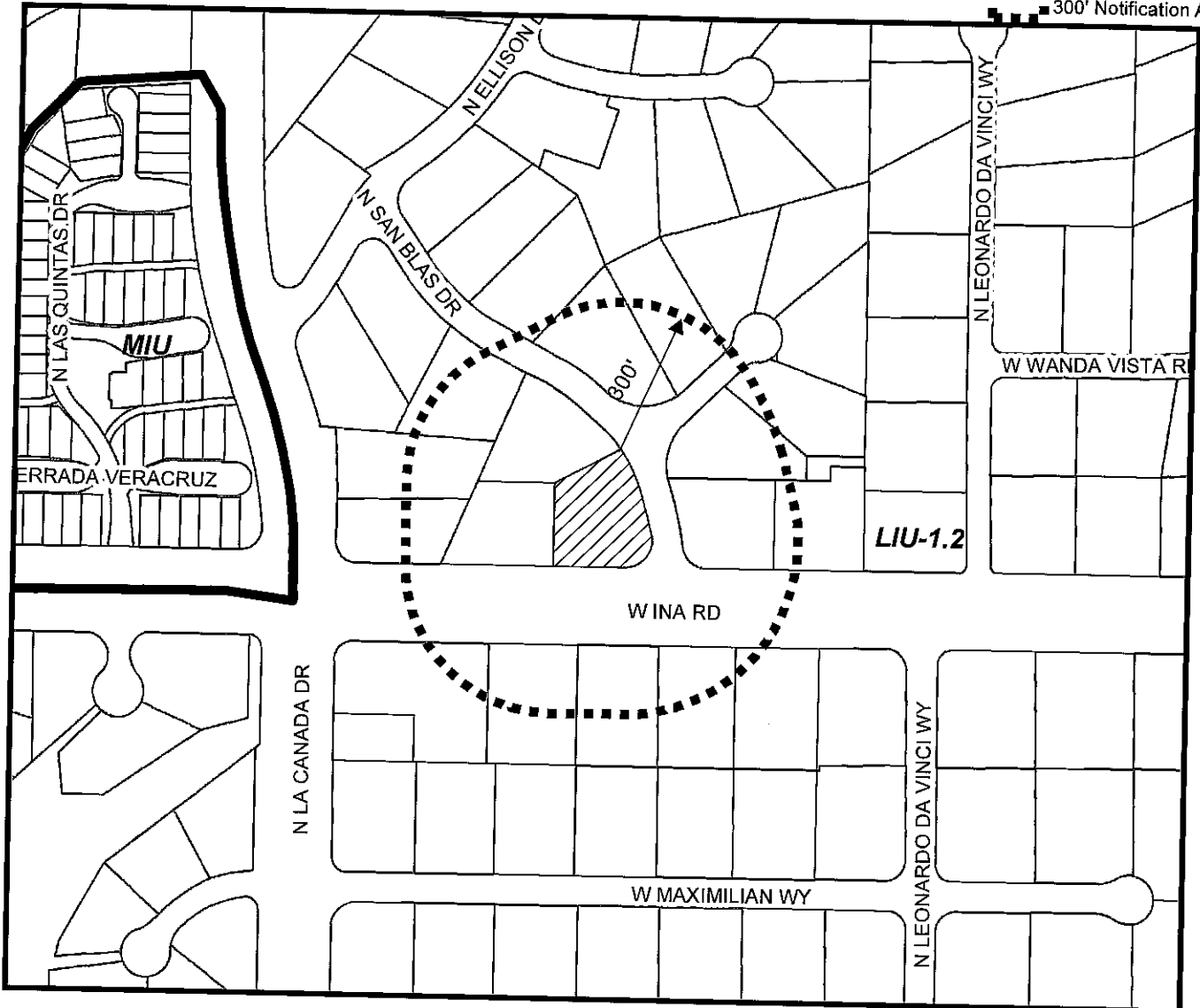
Low Intensity Urban 1.2 (LIU-1.2)

- 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

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use

 Subject Property
 300' Notification Area



0 145 290 580 Feet

Taxcode:
225-49-1870

**P21CR00001 AMERICAN DREAM EPSILON LLC -
W. INA ROAD PLAN AMENDMENT & REZONING**

District: 1
Location:
Northwest corner
of W. Ina Road
and N. San Blas
Drive

Request: Low Intensity Urban 1.2I (LIU-1.2) to
Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy .87 Acres +/-



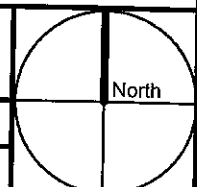
Catalina Foothills Planning Area under Pima Prospers
Section 35, Township 12 South, Range 13 East

Planning and Zoning Commission Hearing: July 28, 2021

Map Scale: 1:4,000

Board of Supervisors Hearing: TBA

Map Date: June 29, 2021 / dms





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):*

APN: 225-49-1870

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)
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.

June 14, 2021

Mr. Chris Poirier, Deputy Director
Pima County Development Services
201 N. Stone Avenue
Tucson, AZ 85701

Subject: **Non-Site Analysis Rezoning for 0.87 Acres; APN: 225-49-1870**
TPC Project No: TCN-01

Dear Mr. Poirier:

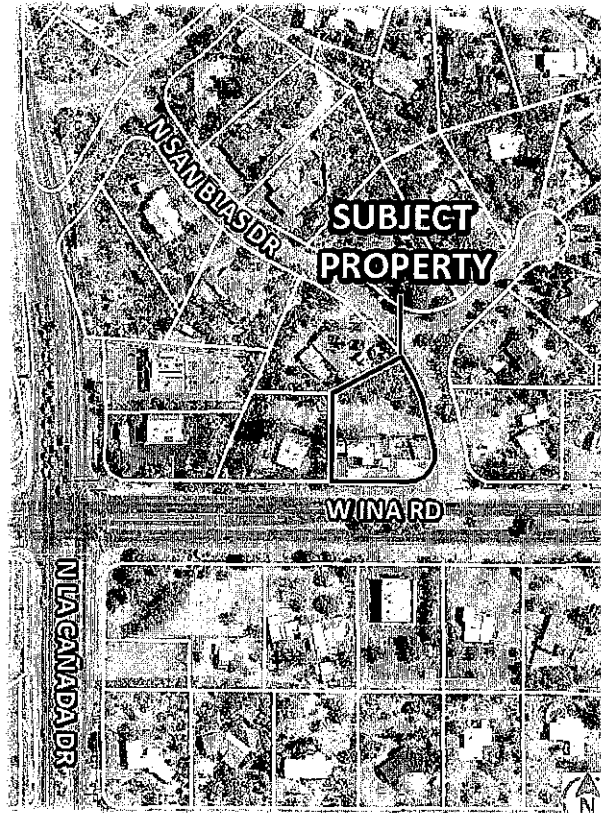
On behalf of Dr. Sofia Rubbani and American Dream Epsilon LLC, owner of Tucson Cosmetics, this letter respectfully requests a comprehensive plan amendment and zoning change for a 0.87-acre property located at 1230 West Ina Road. The primary request is to amend Pima County's comprehensive plan, *Pima Prospers*, to include a rezoning policy to expand the existing outpatient cosmetic surgery business within the Low-Intensity Urban 1.2 (LIU-1.2) land use designation. Concurrent with the comprehensive plan amendment, the property owner is seeking to rezone the property from CR-1 (Single Residence Zone) to TR (Transitional Zone) to allow the existing Tucson Cosmetics to expand their clinic by approximately 1,000 square feet.

Location

The subject 0.87-acre property (APN 225-49-1870) is located at 1230 West Ina Road, approximately 600 feet east of the intersection of North La Cañada Drive and West Ina Road.

Background

In 2018, Tucson Cosmetics applied for a Type 1 Conditional Use Permit (CUP) under Section 18.09.020.R Adaptive Reuse of the Pima County Zoning Code to convert a vacant single-family residence to a clinical office. The CUP (P18CU00002) was granted, and the existing 3,200 square-foot building was renovated to include six patient rooms, offices, and reception areas. The conversion added to the emerging commercial activity at the northeast corner of the Ina Road and La Cañada Boulevard intersection. Since opening in 2019, Tucson Cosmetics has seen a steady increase in business, a testament to the success of Pima



County's adaptive reuse policy. Business has increased so much that the existing facility can no longer keep up with demand. A proposed expansion wing would add five patient rooms to serve clients in a comfortable, modern facility to meet increased demand for cosmetic and wellness services. The proposed expansion exceeds the scope of the original CUP request, thus requiring a comprehensive plan amendment and rezoning. This request letter and accompanying sketch plan fulfill the requirements for a non-site analysis rezoning.

Conformance with Pima Prospers

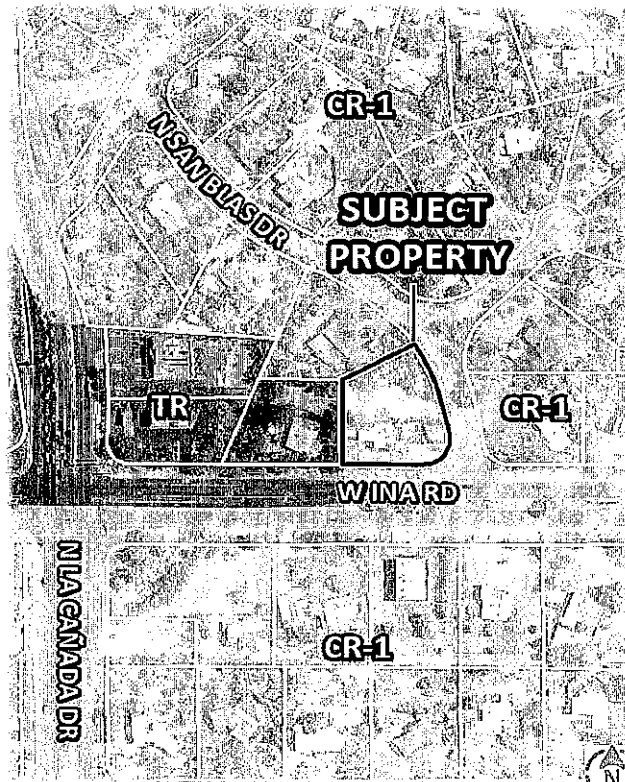
Pima Prospers, Pima County's comprehensive plan, designates the property and surrounding properties as LIU-1.2 (Low-Intensity Urban 1.2). To ensure the area's existing character is maintained, this request proposes modifying *Pima Prospers* to include a rezoning policy that permits the existing cosmetic surgery business to locate within the property's existing land use designation. Tucson Cosmetics is identical in scale to neighboring businesses located west of the site near Ina Road and La Cañada Drive. Established commercial development at the intersection of these major arterials includes an architecture office, orthodontics office, and a pre-school. The existing clinic and proposed expansion are separated from adjacent residences by natural vegetation or landscaped bufferyards.

Tucson Cosmetics expansion supports policies found in *Pima Prospers* by providing an appropriate land use that is complementary to existing development. Furthermore, the addition allows for a small business to grow while utilizing existing infrastructure.

The environmental impact of the expansion is minimal. The property is located outside of the Maeveen Marie Behan Conservation Lands and is surrounded by established development. The site's northern portion contains a segment of xeroriparian class B habitat associated with a natural drainage condition. The proposed expansion is outside of the riparian area, which will remain largely undisturbed.

Zoning

The property is currently zoned CR-1. This request is to rezone the property to TR for a 1,000 square foot expansion of the existing facility. The properties to the west are also zoned TR with similar uses. Extending the TR zone to the subject property ensures consistent zoning for the current uses at the northeast corner of La Cañada Drive and Ina Road. The properties north, east, and south of the site are zoned CR-1.

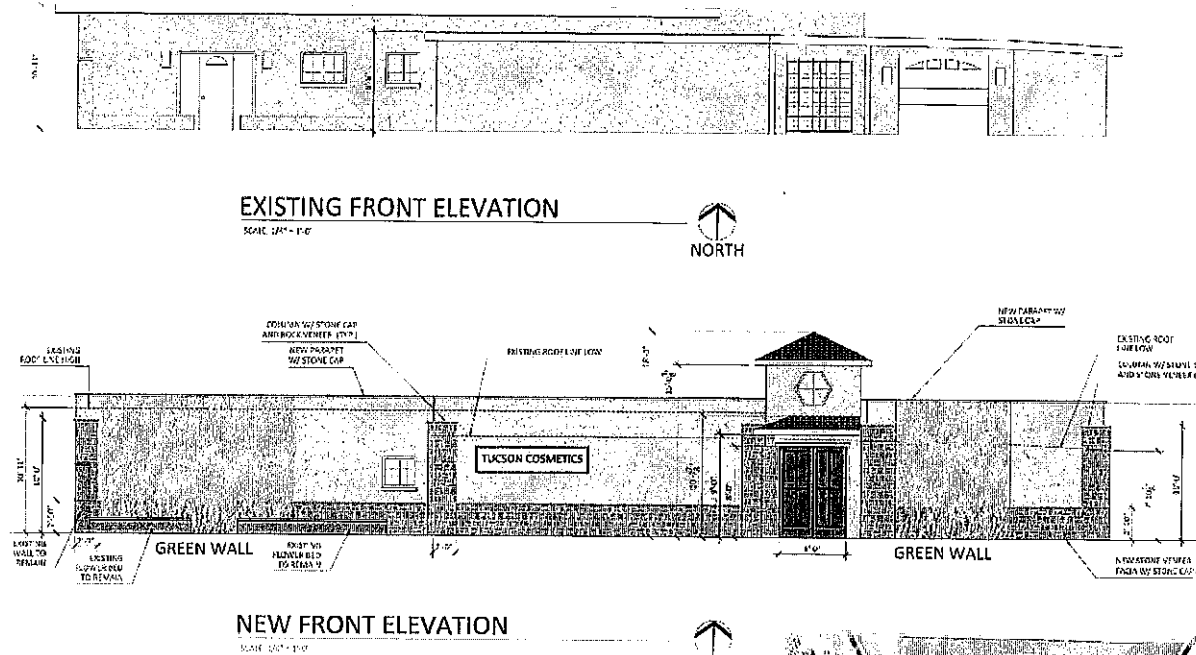


Existing Zoning Map

Completed Building Improvements

Since acquiring the property, Tucson Cosmetics has improved the existing building extensively. A covered main entry was added, bringing clients from the front parking area into the office lobby. The addition of a cupola and parapet wall creates a higher roofline, giving the building prominence along Ina Road. The entire building exterior and patio wall was coated in new stucco and painted. Stone veneer accents complete the transformation by highlighting the new southern façade. The existing pool that accompanied the residence was transformed with new patio decking and landscaping, creating a serene oasis for clients and employees. A new concrete parking area with paver accents welcomes clients off Ina Road. Behind the building, a gravel parking area provides additional parking spaces.

Front Building Elevation Before & After



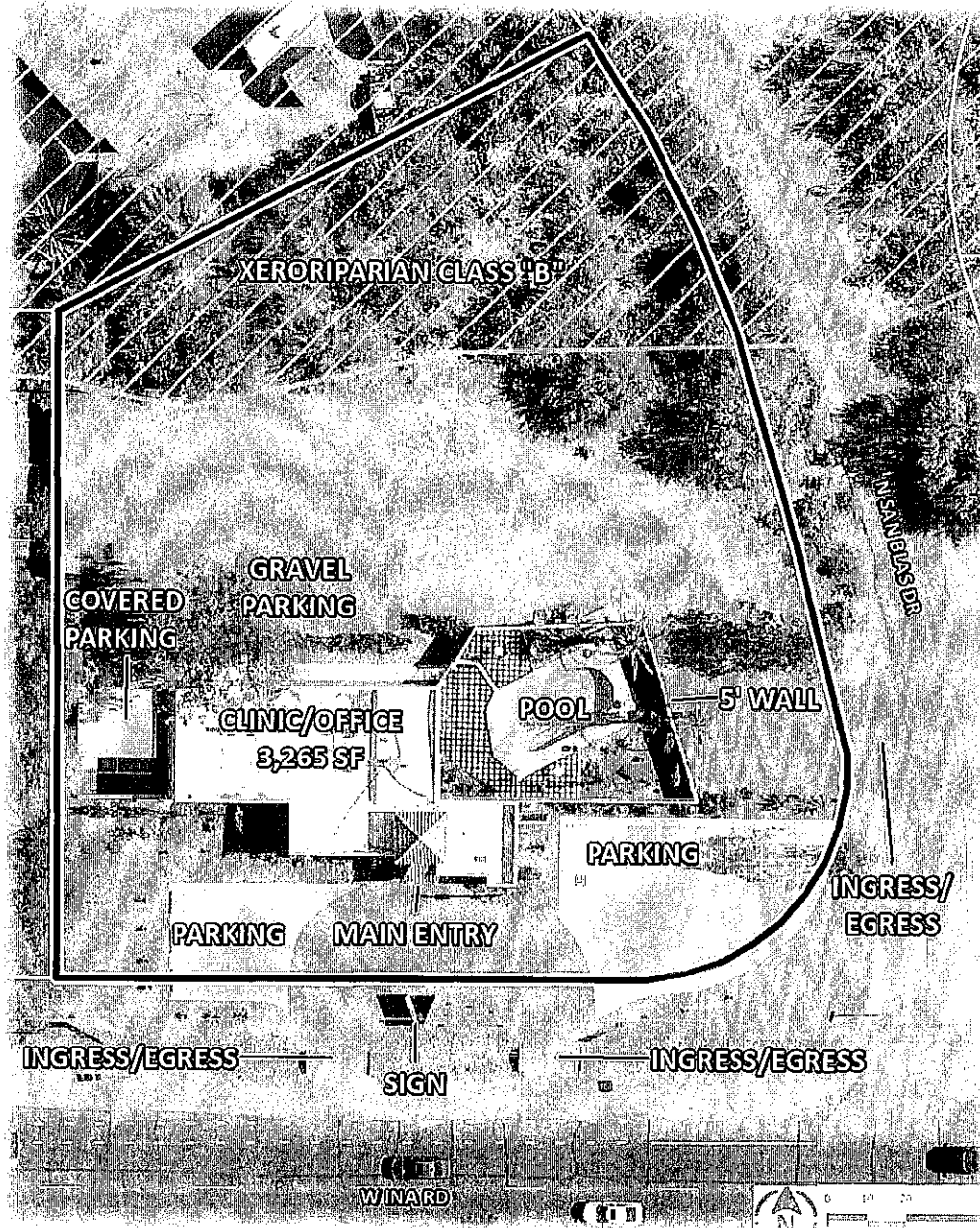
Enhanced Pool Courtyard



Improved Main Entry

Existing Conditions

The existing Tucson Cosmetics building occupies the southern portion of the property, near Ina Road. The northern portion of the property is undeveloped, with a segment of xeroriparian habitat crossing the site. The Existing Conditions Map depicts the property's current configuration and serves as a reference for the proposed expansion. It demonstrates how the site functions today in the context of the surrounding area. On-site development includes the building improvements previously listed. The existing clinic, primary ingress/egress, and customer parking all face Ina Road with secondary ingress/egress, employee, and additional parking area in the rear. Extents of the xeroriparian area are also shown for reference.



Existing Conditions Map (Pima County Pictometry, May 2020)

Proposed Expansion

The proposed expansion adds a 1,022 square foot wing to the existing building, as shown on the Preliminary Sketch Plan. The new wing is twelve feet in height, matching the existing structure. It extends from the existing building's northeast corner and wraps around the northern boundary of the pool area. Glass windows on the south expansion wing wall will look out to the pool courtyard, bringing the outside tranquility indoors. The existing building, pool courtyard, and front parking area remain unaltered and in operation as the expansion is constructed. The gravel parking area in the rear will be paved to meet commercial standards. Twenty-seven parking spaces, two covered, twenty-five uncovered, will serve employees and clients. The on-site access drive connecting the front and rear parking areas will also be paved. Primary ingress/egress from Ina Road will remain via two existing driveways. A current driveway provides secondary ingress/egress on North San Blas Drive. Metropolitan Water District provides water service to the property. The property does not connect to the Pima County sewer network and will continue to utilize the on-site septic system.

The new expansion wing is located behind the existing building and will be minimally visible from Ina Road. The property is bordered to the north and east by single-family residences. Appropriate bufferyards will be installed to screen the expansion wing from neighboring views following Pima County standards. The northern portion of the property contains a xeroriparian class B area as classified by Pima County. This riparian area is outside of the proposed development limits and will remain undisturbed, acting as a natural buffer between Tucson Cosmetics and the residents to the north and east. A five-foot bufferyard 'C' will screen the expansion and rear parking area from North San Blas Drive. Any grading will be minor to accommodate the new building wing and pave the existing gravel parking lot. With the further expansion, Tucson Cosmetics will maintain its same hours of operation, 9:00 am to 5:00 pm Monday through Friday. See *Attachment A: Preliminary Sketch Plan*.

Conclusion

Given the property's location along Ina Road, a clinical office is a more appropriate use than a single-family home. The adaptive reuse process that created the clinic has been successful, as shown by the need for expansion. The proposed Tucson Cosmetics expansion ensures an existing small business can continue to grow. Amending Pima County's comprehensive plan and rezoning the property completes the transformation of a once-vacant home to a thriving commercial business on a major arterial roadway.

We thank you for the opportunity to submit this application and for your consideration. We are prepared to discuss this further should you have any questions.

Sincerely,

THE PLANNING CENTER



Lexy Wellott, AICP
Project Manager

May 12, 2021

Pima County
Development Services Department
201 N. Stone Ave
Tucson, AZ 85701

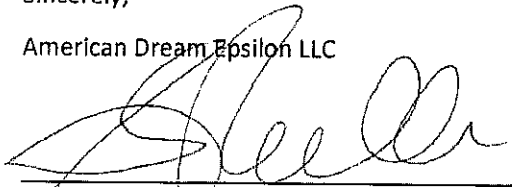
Subject: **Tucson Cosmetics Comprehensive Plan Amendment & Rezoning
On Tax Parcels: 225-49-1870**
TPC Job no.: TCN-01

Pima County Development Services Department:

As owner of the above referenced tax parcel, I hereby authorize The Planning Center and VVC Design to act as my agents throughout the comprehensive plan amendment and rezoning application processes.

Sincerely,

American Dream Epsilon LLC

 5/13/21

By: Dr. Sofia Rubbani, MD, Managing Member

Date

American Dream Epsilon LLC
14225 N. Honey Bee Trail
Oro Valley, AZ 85755-4743



Secretary of State

Wyoming Secretary of State

Herschler Bldg East, Ste.100 & 101

Cheyenne, WY 82002-0020

Ph. 307-777-7311

For Office Use Only

WY Secretary of State

FILED: Jul 10 2020 7:36PM

Original ID: 2020-000929012

Limited Liability Company Articles of Organization

I. The name of the limited liability company is:

American Dream Epsilon LLC

II. The name and physical address of the registered agent of the limited liability company is:

Company Agent, LLC

125 S King St Ste 2A

PO Box 1045

Jackson, WY 83001

III. The mailing address of the limited liability company is:

14225 N. Honeybee Tr.

Oro Valley, AZ 85755

IV. The principal office address of the limited liability company is:

14225 N. Honeybee Tr.

Oro Valley, AZ 85755

V. The organizer of the limited liability company is:

Company Agent, LLC

PO Box 1045 Jackson WY 83001

VI. Additional Article:

Management of the Close Limited Liability Company shall be vested in a manager or managers who shall be appointed by the operating agreement or elected by the members in the manner prescribed by the operating agreement on the company.

Signature:

Chad Marlowe

Date: 07/10/2020

Print Name:

Chad Marlowe

Title:

Company Agent, LLC, Organizer

Email:

office@companyagent.com

Daytime Phone #:

(307) 733-1234



Secretary of State

Wyoming Secretary of State
Herschler Bldg East, Ste.100 & 101

Cheyenne, WY 82002-0020
Ph. 307-777-7311

- ☒ I am the person whose signature appears on the filing; that I am authorized to file these documents on behalf of the business entity to which they pertain; and that the information I am submitting is true and correct to the best of my knowledge.
- ☒ I am filing in accordance with the provisions of the Wyoming Limited Liability Company Act, (W.S. 17-29-101 through 17-29-1105) and Registered Offices and Agents Act (W.S. 17-28-101 through 17-28-111).
- ☒ I understand that the information submitted electronically by me will be used to generate Articles of Organization that will be filed with the Wyoming Secretary of State.
- ☒ I intend and agree that the electronic submission of the information set forth herein constitutes my signature for this filing.
- ☒ I have conducted the appropriate name searches to ensure compliance with W.S. 17-16-401.

Notice Regarding False Filings: Filing a false document could result in criminal penalty and prosecution pursuant to W.S. 6-5-308.

W.S. 6-5-308. Penalty for filing false document.

(a) A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both, if he files with the secretary of state and willfully or knowingly:

- (i) Falsifies, conceals or covers up by any trick, scheme or device a material fact;
- (ii) Makes any materially false, fictitious or fraudulent statement or representation; or
- (iii) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

- ☒ I acknowledge having read W.S. 6-5-308.

Filer is: ☐ An Individual ☒ An Organization

The Wyoming Secretary of State requires a natural person to sign on behalf of a business entity acting as an incorporator, organizer, or partner. The following individual is signing on behalf of all Organizers, Incorporators, or Partners.

Filer Information:

By submitting this form I agree and accept this electronic filing as legal submission of my Articles of Organization.

Signature: Chad Marlowe Date: 07/10/2020

Print Name: Chad Marlowe

Title: Company Agent, LLC, Organizer

Email: office@companyagent.com

Daytime Phone #: (307) 733-1234



Secretary of State

Wyoming Secretary of State
Herschler Bldg East, Ste.100 & 101

Cheyenne, WY 82002-0020
Ph. 307-777-7311

Consent to Appointment by Registered Agent

Company Agent, LLC, whose registered office is located at **125 S King St Ste 2A, PO Box 1045, Jackson, WY 83001**, voluntarily consented to serve as the registered agent for **American Dream Epsilon LLC** and has certified they are in compliance with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

I have obtained a signed and dated statement by the registered agent in which they voluntarily consent to appointment for this entity.

Signature: **Chad Marlowe**

Date: **07/10/2020**

Print Name: **Chad Marlowe**

Title: **Company Agent, LLC, Organizer**

Email: **office@companyagent.com**

Daytime Phone #: **(307) 733-1234**

STATE OF WYOMING
Office of the Secretary of State

I, EDWARD A. BUCHANAN, Secretary of State of the State of Wyoming, do hereby certify that the filing requirements for the issuance of this certificate have been fulfilled.

CERTIFICATE OF ORGANIZATION

American Dream Epsilon LLC

I have affixed hereto the Great Seal of the State of Wyoming and duly executed this official certificate at Cheyenne, Wyoming on this **10th** day of **July, 2020** at **7:36 PM**.

Remainder intentionally left blank.



Filed Date: 07/10/2020



Secretary of State

Filed Online By:

Chad Marlowe

on 07/10/2020