



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/3/2022

*\*= Mandatory, information must be provided*

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

**\*Title:**

P22RZ00003 SAGU – S. BUTTS ROAD #2 REZONING

**\*Introduction/Background:**

The applicant requests a rezoning of approximately 4.90 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone for four approximately 1.14 acre parcels of land to allow for one single-family residence on each lot.

**\*Discussion:**

Current SR zoning allows for one single-family residence to be built. The proposed density is similar to the properties to the north, east and west.

**\*Conclusion:**

The proposed lot splits conform to the Low Intensity Urban Comprehensive Plan designation.

**\*Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning 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: Anita McNamara, AICP, Senior Planner

Telephone: 520-724-6692

Department Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Deputy County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**TO:** Honorable Adelita Grijalva, Supervisor, District 5

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

**DATE:** April 12, 2022

**SUBJECT:** **P22RZ00003 SAGU – S. BUTTS ROAD #2 REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 3, 2022** hearing.

---

**REQUEST:** For a **rezoning** of approximately 4.90 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone, on property located northwest of the T-intersection of S. Butts Road and W. Dakota Street, addressed as **5450 S. Butts Road**.

**OWNERS:** Claudio and Luz Sagu  
5450 S. Butts Road  
Tucson, AZ 85757

**AGENT:** Luz Sagu  
5450 S. Butts Road  
Tucson, AZ 85757

**DISTRICT:** 5

**STAFF CONTACT:** Anita McNamara, AICP, Senior Planner

**PUBLIC COMMENT TO DATE:** As of April 12, 2022, staff has received three written public comments in opposition to the rezoning citing concerns related to property values, traffic and the condition of Butts Road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 8-0 (Commissioners Cook and Matter were 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/AM  
Attachments



## BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P22RZ00003

Page 1 of 3

### FOR MAY 3, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 12, 2022

---

### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING

#### P22RZ00003 SAGU – S. BUTTS ROAD #2 REZONING

Luz Sagu requests a **rezoning** of approximately 4.90 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, on property located northwest of the T-intersection of S. Butts Road and W. Dakota Street, addressed as **5450 S. Butts Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 8-0 (Commissioners Cook and Matter were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 5)

---

#### Planning and Zoning Commission Public Hearing Summary (March 30, 2022)

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 asked about the previous rezoning case from 2003. At that time, the Planning and Zoning commission recommended 4 to 3 to deny the rezoning due to issues related to flooding and transportation.

Staff responded since the 2003 rezoning application the property has been removed from the floodplain by a FEMA flood zone map amendment. Relating to transportation, the property to the north has already dedicated right-of-way for S. Butts Road and a condition of this rezoning requires the applicant to dedicate 30 feet of right-of-way along Butts Road.

The applicant stated that the intention is to create four lots of the same size to create three new lots for future homes for family members.

The hearing was opened to the public.

A speaker stated that she sent in a letter in opposition to the rezoning and restated her concerns mentioned in her letter related to traffic, air and light pollution.

The public hearing was closed.

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

The commission voted to recommend **APPROVAL** of the rezoning 8-0 (Commissioners Cook and Matter were 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 conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for S. Butts Road along the east property boundary.
  - B. The property shall be limited to one (1) access point on S. Butts Road. Unless the existing access is utilized, the access shall be abandoned and improvements removed. Private improvements shall not be located within the right-of-way without a license agreement.
  - C. A shared access easement for legal access between the properties is required prior to the issuance of a building permit. The location and design of said access easement shall be determined during the building permitting process.
  - D. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
  - E. A 1-foot no access easement shall be provided along the east property boundary adjacent to S. Butts Road excluding the access point.
  - F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainage ways and drainage easements.
3. PDEQ conditions:
  - A. The owner/developer must apply for and obtain Construction Authorizations from Pima County for the onsite wastewater treatment facilities before they are constructed.
  - B. The owner/developer must apply for and obtain Discharge Authorizations from Pima County before the onsite wastewater treatment facilities are put into use.
4. Environmental Planning condition:

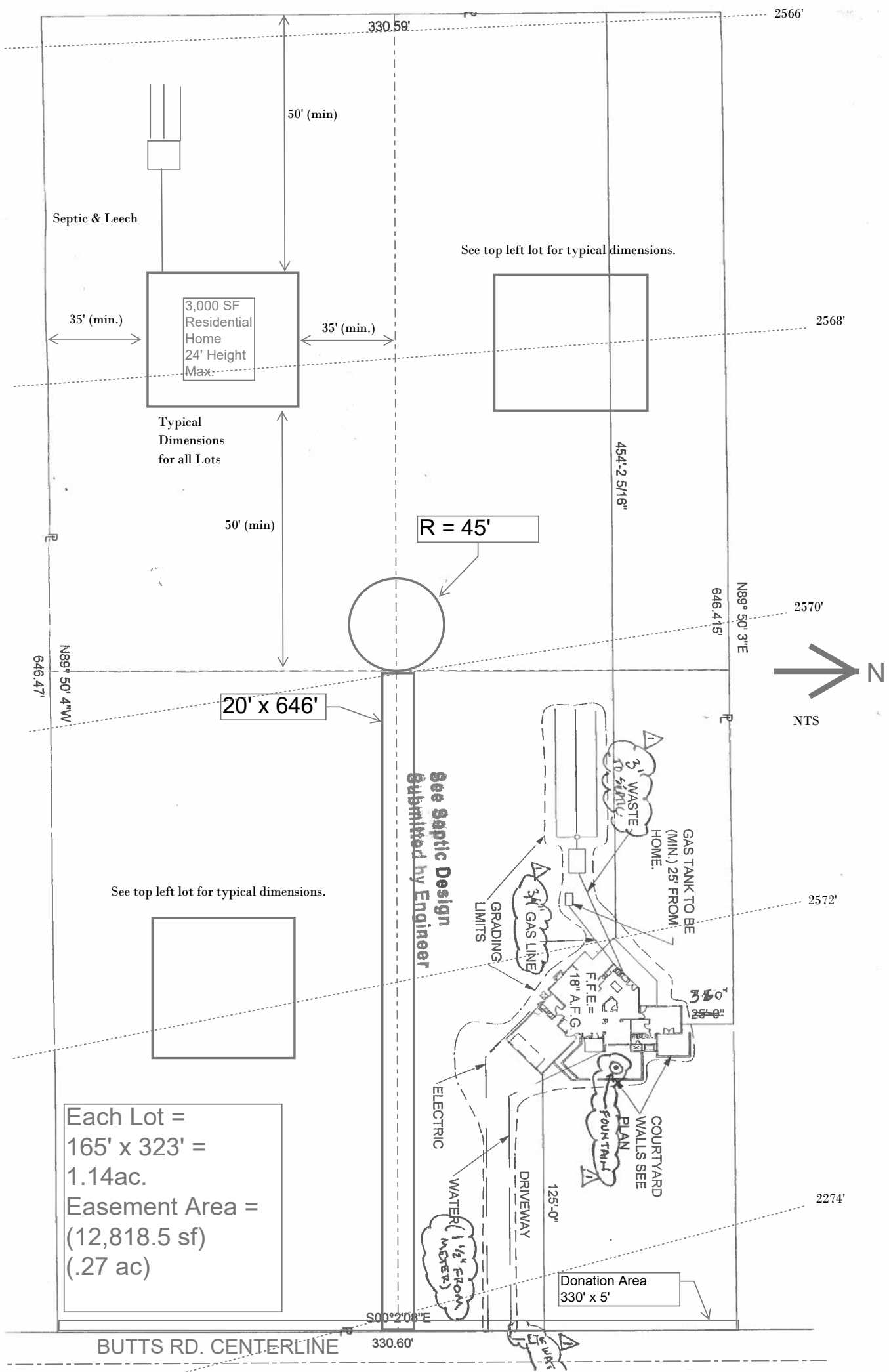
Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
5. Cultural Resources condition: A caution must be noted concerning human burials. 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 as approved at public hearing.
7. 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.
8. 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)."

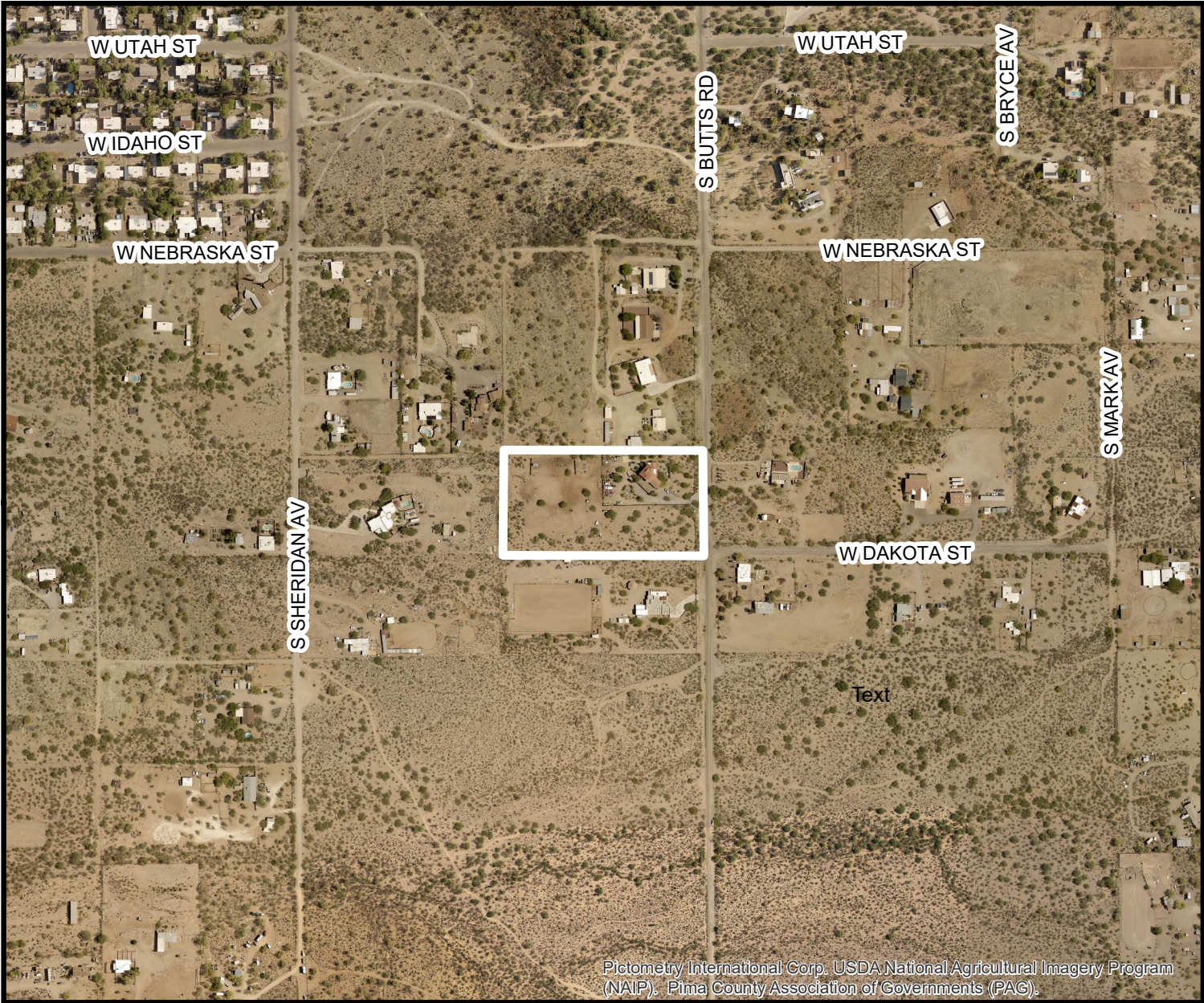
TD/AM  
Attachments

c: Luz Sagu

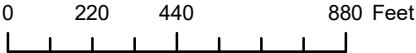






AERIAL EXHIBIT



Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAG).



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

	Notes:		
	Scale: 1:6000	Map Date: 3/1/2022 - ds	



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

**HEARING** March 30, 2022

**DISTRICT** 5

**CASE** P22RZ00003 Sagu - S. Butts Road  
#2 Rezoning

**REQUEST** Rezone from SR (Suburban Ranch)  
to CR-1 (Single Residence) zone  
(approximately 4.90 acres)

**OWNER** Claudio and Luz Sagu  
5450 S. Butts Road  
Tucson, AZ 85757

**APPLICANT** Luz Sagu  
5450 S. Butts Road  
Tucson, AZ 85757



**APPLICANT'S PROPOSED USE**

The 4.90-acre SR (Suburban Ranch) zoned property is currently developed with one residence located at the northeast quadrant of the site. Properties to the immediate north are zoned CR-1 (Single Residence) zone, while properties to the west and southeast are also zoned CR-1. The proposal is to split the property into approximately four 1.14-acre lots to allow for a single-family residence on each lot, including the existing single-family residence.

**APPLICANT'S STATED REASON**

The owner states the intent is to split the property into four lots. The existing home will be retained on its own lot and three new lots will be created for family members.

**STAFF REPORT SUMMARY**

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes to rezone the property to create four 1.14-acre CR-1 (Single Residence) zone lots for three additional single-family residences, plus an access easement to serve each of the lots. The proposed lots are compatible with the surrounding densities, except parcels to the south some of which are vacant and contain floodplain/washes. The rezoning conforms to the Comprehensive Plan land use designation of Low Intensity Urban 1.2. and is located within the Southwest Focused Development Investment Area, considered a growth area.

**PUBLIC COMMENT**

Staff has not received any written public comments as of March 16, 2021.

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 Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 1.2 (LIU-1.2), which designates areas for low-density residential and other compatible uses at a maximum density of 1.2 residences per acre (RAC) with no required minimum density. The proposed 1.2 RAC for the subject property conforms to the comprehensive plan.

Special Area Policy S-29 Southwest Infrastructure Plan (SWIP) applies to a 70-square-mile area that includes the rezoning site. Policy S-29 addresses the provision of infrastructure and sustainability of proposed development in the SWIP area. The small size of the rezoning may not lend itself to application of the SWIP policies. However, the proposal does further the SWIP by dedicating right-of-way for S. Butts Road and by concentrating new growth outside the Conservation Lands System. The rezoning site is also located within the Pima County Comprehensive Plan Growth Area - Southwest Focused Development Investment Area.

### **SURROUNDING LAND USES/GENERAL CHARACTER**

North:	CR-1 / SR	Un-subdivided Developed Residential
South:	SR	Un-subdivided Developed Residential
East:	SR	Un-subdivided Developed Residential
West:	SR / CR-1	Un-subdivided Developed Residential

The area is developed with single-family residences. Commercial services, which are also the nearest places of employment, are located within a two-mile travel distance and there is opportunity for greater services with vacant business zoning at the intersection of W. Ajo Highway and S. Kinney Road. An elementary school and a middle school are located within one and one-half miles of the subject property and are located south of Ajo Highway. A County park is located adjacent to the elementary school. The nearest fire station is located approximately two-miles from the property, at the intersection of S. Camino Verde and Old Ajo Highway. Bus transit service is not available.

There is limited to no sewer service in the area. The area lacks some value-added constructed infrastructure improvements that improve livability and increase the tax base, which supports service demand.

Additional lot splitting in the area can be achieved by rezoning. The SR zone allows one residence per approximately 3.3 acres. CR-1 allows for one residence per 0.83 acre.

### **PREVIOUS REZONING CASES ON PROPERTY**

In 2003, there was a rezoning request to the CR-1 zone that was denied due to neighbor opposition related to concerns regarding compatibility.

### **PREVIOUS REZONING CASES IN GENERAL AREA**

In the area of the subject property, seven rezoning requests were approved between 1971 through 2001 from the SR to the CR-1 zone. In 2021, a rezoning for SR to CR-1 was approved on property adjacent to the subject property to the west. These rezonings produced lots splits without subdivision platting. In the 1950s and 1960s, rezoning applications were approved northwest of the subject property to rezone from SR to CR-3 (Single Residence). Specifically, two of these rezoning requests produced a 44-lot platted subdivision and a 180-lot platted subdivision. Additionally, in the 1980s, three rezoning requests were either closed or expired.

## **MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (CLS)**

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

### **PLANNING REPORT**

Staff supports the request to the CR-1 rezoning request because the proposed residential development is compatible with other residential development in the area, and the proposed density complies with the LIU 1.2 plan designation. The subject property is accessed from improved S. Butts Road. After the property is split into four lots each lot will have its own access. All four lots, including the lot on which the existing home will be located will take access from a 20-foot easement coming from S. Butts Road.

The proposal is to rezone the 4.90-acre lot to create three additional residential lots. The property, along with three other parcels, was previously split off from Parcel 206-13-0050 in 2002. The applicant proposes to retain the existing single-family residence on a newly created lot and add three additional lots for family members. The minimum lot size for the CR-1 zone is 36,000 square feet. Each new lot will exceed the minimum area.

The subject site is located in the Tucson Water obligated service area. The property is not located in a sewer service area. The existing home has its own septic system as will each proposed lot. Adequate infrastructure exists in the area to support the proposal.

The 4.90-acre property is relatively flat and has been disturbed. The applicant states that disturbance will be kept to a minimum and any saguaros or barrel cactus will be relocated on the property. The property is not located within the Maeveen Marie Behan Conservation Lands System.

### **Concurrency of Infrastructure**

<b>CONCURRENCY CONSIDERATIONS</b>		
<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
ENVIRONMENTAL QUALITY	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection
PARKS AND RECREATION	N/A	-
WATER	Yes	No objection

### **TRANSPORTATION REPORT**

The proposed rezoning site is located northwest of the intersection of S. Butts Road and W. Dakota Street.

S. Butts Road is a paved two-lane roadway maintained by the County with a posted speed limit of 35 miles per hour. S. Butts Road ends approximately 1,600 feet to the south. There are no available traffic counts for S. Butts Road but the capacity of a two-lane roadway is approximately 10,360 average daily trips. The development intensity in the vicinity of the site indicates that S. Butts Road should be functioning below capacity. S. Butts Road was established as a 60-foot-wide right-of-way per Road Map No. 350. The east 30 feet of the right-of-way for S. Butts Road exists but the west 30 feet of land was never acquired. The owner(s) shall dedicate 30 feet for S. Butts Road right-of-way purposes.

There is an existing access on the property north of the proposed access that will need to be abandoned. The property shall be limited to one shared access and the owner(s) shall coordinate with the fire jurisdiction to meet any of their requirements. If the existing access is utilized, private improvements shall not be located within the right-of-way without a license agreement.

There are no concurrency concerns with this request. The Department of Transportation recommends approval of the proposed rezoning subject to the conditions below.

### **FLOOD CONTROL REPORT**

The parcel is not in a FEMA or locally mapped floodplain or within Regulated Riparian Habitat. A Letter of Map Revision was completed May 27th 2020, case number 19-09-046P.

The Regional Flood Control District has no objections or conditions.

### **WASTEWATER RECLAMATION REPORT**

The property is outside of the PCRWRD service area. The existing and future residences will be serviced by an on-site septic system.

The Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the proposed rezoning. The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.

### **DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT**

The owner/developer must apply for and obtain Construction Authorizations from Pima County for the onsite waste water treatment facilities before they are constructed. The owner/developer must apply for and obtain Discharge Authorizations from Pima County before the onsite waste water treatment facilities are put into use.

### **TUCSON WATER REPORT**

City of Tucson Water has no comment.

### **DREXEL HEIGHTS FIRE DISTRICT REPORT**

Drexel Heights 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 conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for S. Butts Road along the east property boundary.
  - B. The property shall be limited to one (1) access point on S. Butts Road. Unless the existing access is utilized, the access shall be abandoned and improvements removed. Private improvements shall not be located within the right-of-way without a license agreement.
  - C. A shared access easement for legal access between the properties is required prior to the issuance of a building permit. The location and design of said access easement shall be determined during the building permitting process.
  - D. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
  - E. A 1-foot no access easement shall be provided along the east property boundary adjacent to S. Butts Road excluding the access point.
  - F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. PDEQ conditions:
  - A. The owner/developer must apply for and obtain Construction Authorizations from Pima County for the onsite waste water treatment facilities before they are constructed.
  - B. The owner/developer must apply for and obtain Discharge Authorizations from Pima County before the onsite waste water treatment facilities are put into use.
4. Environmental Planning condition:

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.
5. Cultural Resources condition: A caution must be noted concerning human burials. 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 as approved at public hearing.
7. 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.



8. 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,





*Anita McNamara*

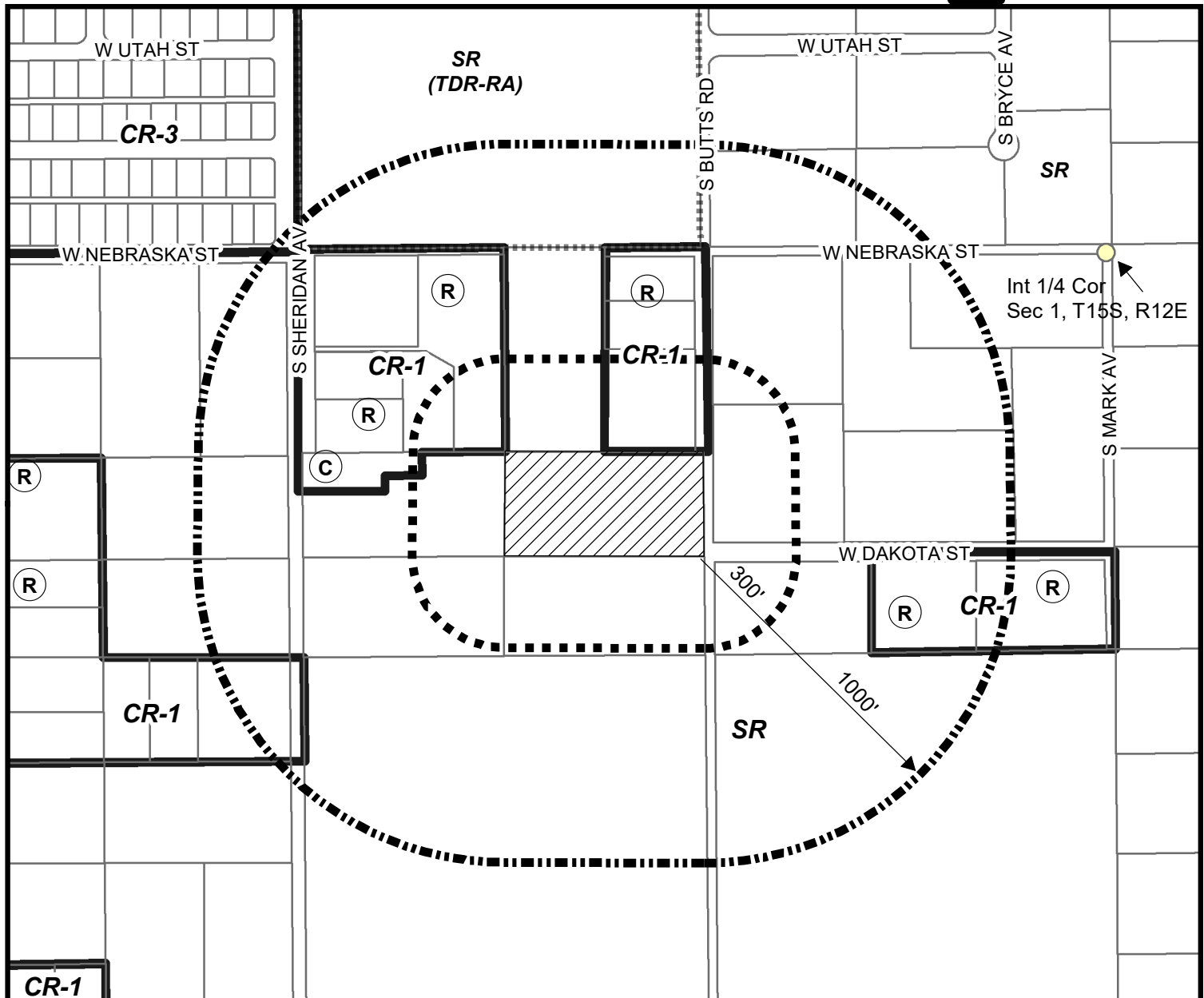
Anita McNamara, AICP  
Senior Planner

c: Luz Sagu, 5450 S. Butts Road, Tucson, AZ 85757

Case #: P22RZ00003  
Case Name: SAGU - S. BUTTS ROAD REZONING #2

Tax Code(s): 210-01-038C

-  Subject Property
-  300' Notification Area
-  1000' Notification Area
-  Zoning Boundary





0 220 440 880 Feet

Area of proposed rezoning from SR to CR-1



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 3/30/22 (scheduled)		Board of Supervisors Hearing: TBA	
	Base Map(s): 37		Scale: 1:6000	



## 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.

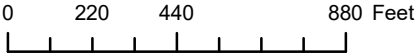
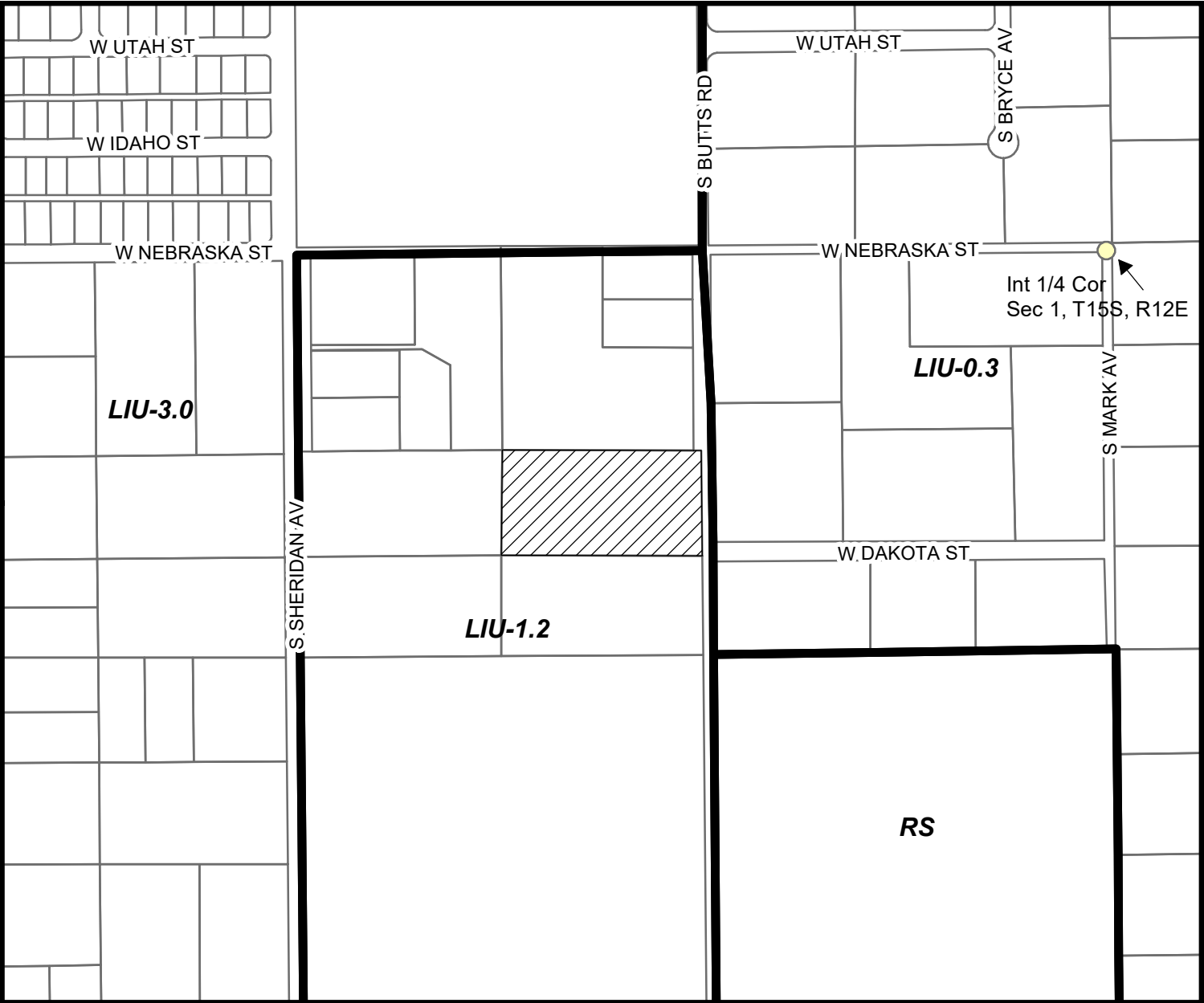
Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space 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 EXHIBIT

 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

	Notes: <b>Special Area Policy S-29</b>			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
		Scale: 1:6000	Map Date: 3/1/2022 - ds	



control of their own piece of the open space. It was their preference to develop it in that way although they could develop under the 7,000 square foot lots more or less in the same configuration.

Mr. Richter said a conservation easement across the lots does not necessarily provide for access, it would simply be a requirement to leave the area natural. It would not allow public access and, if the Board considered approval of this request, she suggested limiting the conservation easement to those open space areas shown on private lots so that you could still catch the ones that are going to be in the common area. In order to do that, the language would have to be retained because there is a common area to be maintained. The wording would then be: "Open space will also be provided by recording a conservation easement shown on the private lots on the plan presented to the Board at the hearing. The easements shall run to the benefit of all property owners in the subdivision and shall be maintained by the owners of the lots burdened by the easement." You would have a maintenance provision plus keeping separate the ones in the common area.

Ms. Morales stated one of Mr. Huckelberry's concerns was liability and that was considered by the developer. With the easement, the owners are protected under the Arizona Revised Statutes from people walking across if there are pedestrian easements through there.

Chair Bronson pointed out that would just invite lawsuits regardless of what the statute said.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Day, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-03-08 subject to conditions and standard and special requirements with the following amendment on Condition No. 18: "Structures on Lots 80-84 shall be further restricted to one-story." Condition No. 19 would remain as presented to the Planning and Zoning Commission for natural open space with no changes.

Chair Bronson stated she was not comfortable with the requested language change and suggested that they could come back if better language was found.

35. DEVELOPMENT SERVICES: REZONING

Co9-03-24, SAGU - BUTTS ROAD REZONING

Request of Claudio and Luz Sagu, for a rezoning of about 4.9 acres from SR (Suburban Ranch) to CR-1 (Single Residence) located on the west side of Butts Road, approximately 600

feet south of Nebraska Street. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Hirsch, Matter, and Membrilla voted NAY; Commissioners Poulos and RedDog were absent) to recommend **DENIAL**. Staff recommends **APPROVAL WITH CONDITIONS** and standard and special requirements. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:  
Completion of the following requirements within five years from the date of rezoning approval by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Public Works Department, Real Property Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. Any common, private, road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
  - B. Only one access point to Butts Road shall be allowed for the proposed rezoning.
  - C. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. Prior to the issuance of any building permits, the property owner(s) shall submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management Section shall determine if building permits may be issued or if a more detailed hydrologic and hydraulic study shall be required.
  - C. The property owner(s) shall comply with the detention/retention conditions as stated in the Floodplain Management Ordinance since the property lies within a critical drainage. Provision of an in-lieu fee may satisfy the requirement as approved by the Flood Control District.
9. Department of Environmental Quality conditions:
  - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. The subject parcel(s) shall be of sufficient size and designed in such a manner to accommodate the existing and proposed residences, primary and reserve leach fields and septic tanks,

while meeting all applicable setbacks for on-site sewage disposal.

10. Adherence to the sketch plan as approved at public hearing.
11. Prior to approval of a building permit, surveying for Pima pineapple cacti shall be conducted using United States Fish and Wildlife Service (USFWS) protocol and a copy of the survey results shall be submitted to Pima County."

Jim Mazzocco, Planning Official, reported this was a rezoning from SR to CR-1 on 4.9 acres and approval would allow four lots. Planning staff recommended approval but the Planning and Zoning Commission recommended denial. Protest for this request was 36.4 percent by number and 39.8 percent by area which means approval would require a super majority vote.

Luz Sagu, applicant, stated the family hired a civil engineer, and he was available to answer questions.

Don Pressnall, civil engineer, stated the family hired him to address the technical issues that were raised by the neighbors, and he submitted a letter that itemized the various issues. The family currently has a home under construction on this property that was permitted in 2002, and a septic tank was installed after an evaluation determined this area was suitable for septic. The family wishes to rezone this property and divide it into four lots at 1.2 acres for family members so they can all live together. The major concerns expressed by the neighbors seems to be septic and floodplain. To address those issues he conducted a site suitability determination and found that conventional septic could be used on each of the potential lots conventional with no problem. There was no evidence of seasonal saturation nor ponding which meant it was unlikely that any untreated septic would move off the property because everything would be treated below the surface. The area was subject to sheet flooding during rains but all elevations of the finished floor would be set above the one foot sheetflow so the problem should be addressed. Any additional runoff due to improvements, would be captured on the property and addressed so water would come onto the property and leave in the same manner as it currently does. In addition, the property owner intends to place a retention/detention basin on the property to address flooding issues. As a dust control measure, the property intends to pave a private driveway down the center of the property.

The following speakers addressed the Board in opposition to the proposed rezoning:

1. Jo Coudray;
2. Shel Coudray;

3. Randy French;
4. Nancy Hadley;
5. Kelina Lobo; and,
6. John Poplava.

The provided the following reasons for opposing the rezoning request:

- a. Twenty-nine signatures on petitions of opposition were submitted;
- b. The density of this area has increased in a very heavy floodplain area;
- c. This area has sheet flooding, large flow events and is designated as a critical drainage basin causing concerns that contamination could flow off this property in flood water to contaminate other properties or groundwater;
- d. This area is served by a primitive road that is not maintained;
- e. Another rezoning in close proximity to the proposed rezoning site was denied by the Board recently;
- f. If this request is approved and grading begins on the property, neighbors could potentially have more water flow onto their property;
- g. The neighbors do not want increased traffic since the property was located at the junction of two dead-end streets because it would be noisy, disruptive and dangerous for children at Vesey Elementary;
- h. Residents purchased in this area because of the rural setting with one home on five acre lots, open land and the variety of plants and animals;
- i. Flooding has become worse over the last few years because of development to the east;
- j. Eleven additional signatures of opposition were submitted as well as three letters of opposition;
- k. The current home is painted a bright white color and the question was asked: Does the County have an ordinance governing the color of homes?
- l. The current two story home has lowered property values of nearby homes because there is no longer a view; and,
- m. The property owners did not include the participation of neighbors in the planning process for the proposed rezoning.

Mr. Pressnall stated there was no reason to deny the proposed rezoning. The onsite septic systems would adequately address any flooding problems with an onsite plan or development plan. Floodwater could be addressed by retaining water on the property which would be part of the development plan. In conclusion, Mr. Pressnall stated there was no technical reason to deny this request.



On consideration, it was moved by Chair Bronson, seconded by Supervisor Elias, and carried by a four to one vote, Supervisor Day voting "Nay," to close the public hearing and deny the rezoning request for Co9-03-24.

36. DEVELOPMENT SERVICES: MODIFICATION OF REZONING CONDITION

Co9-96-15, GEHLSSEN/MYERS - ORACLE ROAD REZONING

Request of Ronald Gehlsen, et. al., represented by The WLB Group, for a modification of Rezoning Condition No. 13 which requires adherence to the Preliminary Development Plan as approved at public hearing. The applicant requests to modify a 1.41 acre portion of the approved Preliminary Development Plan to allow a bank and a retail store rather than a self-storage building. The subject portion of the rezoning was rezoned to CB-2 (General Business) in 1996 and is located on the west side of Oracle Road, approximately 600 feet south of Mainsail Boulevard. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Membrila, Poulos and RedDog were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

"IF THE MODIFICATION OF REZONING CONDITIONS IS APPROVED, THE FOLLOWING AMENDED AND ADDITIONAL REZONING CONDITIONS SHOULD BE CONSIDERED:

9. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07 Oracle Road, Northern Gateway S-5 Oracle Corridor/Northern Gateway.
13. Adherence to the preliminary development plan as approved at public hearing in 2003.
- ~~14. The site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, construction activity shall occur only between February 1 to July 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
15. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site.

Fountain grass (Pennisetum setaceum)  
Johnson grass (Sorghum halapense)  
Common crabgrass (Digitaria sanguinalis)  
Red brome (Bromus rubens)  
Tree of heaven (Ailanthus altissima)  
Russian olive (Elaeagnus angustifolia)  
Salt cedar/Tamarisk (Tamarix pertandra & T. Ramosissima)  
Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda  
Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis



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

Rezoning: 5450 S Butts Road, Tucson AZ 85757

### **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.

2/14/2022

Development Services

Pima County

201 N. Stone Ave.

Tucson, Az. 85701

Attn: Mark Holden

To whom it may concern,

The following is a request letter for a non-site analysis rezoning for the property located at 5450 S. Butts Road (parcel 210-01-038C) belonging to Claudio and Luz Elia Sagu. The proposed rezoning consists of an existing 4.90-acre Suburban Ranch (SR) parcel to be rezoned to four equally sized Single Residence (CR-1) parcels including an access road to the lots not directly adjacent to Butts Rd. The access road will be designed in compliance with Drexel Heights Fire District and the 2018 International Fire Code provided by the District Chief on 2/14/21. The proposed use of the property will be for new residential dwellings on each of the lots for the Sagu family, a total of 3 new dwellings and 1 existing residential home. The housing will be custom built homes through the county development process at a time convenient to the owner. The homes will be approximately 2,000 to 3,000 square feet in living area and will not exceed height restrictions. Utility services such as water and electric are accessible along Butts Rd. and will be trenched in along the new access road. Water and electric will be procured through the appropriate agency. Pima County does not provide sewer services in this area and therefore septic tank systems will be installed in a similar way to how it was once done on the existing dwelling on the property. Disturbance to naturally landscaped areas will be kept minimal and any saguaros and barrel cactus in the clearing areas will be re-planted elsewhere on the property.

If you have any questions or concerns, please contact me. Thank you!

Sincerely,

Luz Elia Sagu

Mobile: (520) 425-9887

Home: (520) 883-8071

[luzeliasagu@hotmail.com](mailto:luzeliasagu@hotmail.com)

March 29, 2022

PIMA COUNTY DEVELOPMENT SERVICES  
Attn: Planning Division  
via email [DSDPlanning@Pima.gov](mailto:DSDPlanning@Pima.gov)

Re: P22RZ00003 - S. BUTTS ROAD REZONING #2

To whom it may concern:

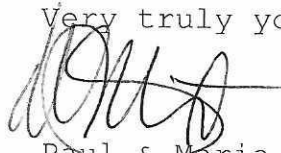
Pursuant to a notice received from the Pima County Development Services regarding a scheduled meeting of the Pima County Planning and Zoning Commission in the above-referenced matter, the undersigned hereby **PROTESTS** to the request of rezoning from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone on the property located northwest of the T-intersection of S. Butts Road and W. Dakota Street, addressed as 5450 S. Butts Road for the following reasons:

*The value of our property located at 5480 S. Butts Road, Tucson, AZ 85757, which is located directly adjacent to said property requesting rezoning, would diminish greatly in value if said property was rezoned from SR to CR-1.*

WE HEREBY RESPECTFULLY request that the rezoning of the above-referenced property be DENIED.

Thank you for taking the time to read our request to deny the rezoning of said property.

Very truly yours,



Paul & Maria Sylvia Mata  
5480 S. Butts Rd.  
Tucson, AZ 85757  
(520) 869-4265  
[Smatal5508@msn.com](mailto:Smatal5508@msn.com)

Pima County Development Services

Attention: Planning Division

Via email [DSDPlanning@Pima.gov](mailto:DSDPlanning@Pima.gov)

RE: P22RZ00003 – Butts Road Rezoning #2

To whom it may concern:

With regards to the proposed rezoning of the property at 5450 S. Butts Road, from SR to CR1 we feel it will have a definite impact on the value of our property at 5105 W. Nebraska Street. We purchased our land and home specifically to have room away from close neighbors so that we could pursue our interests with animals without having to deal with neighborhood issues.

Butts road is already being torn apart by the traffic patterns of the numerous SR property residents and we seem to be exempt from the county plans to maintain roads. It has been paved only once and the patches that are put on the pot holes last 1-2 months. Any more traffic from a higher density population would make it even more difficult to navigate especially during the rainy season.

We request that the above zoning request be DENIED for these reasons.

Sincerely,

Ron & Penny Jube

5105 W.Nebraska St.

Tucson , Arizona 85757

520 444-3306



**From:** [ezeburr](#)  
**To:** [Anita McNamara](#)  
**Subject:** P22RZ00003 SAGU - S. BUTTS ROAD REZONING #2  
**Date:** Tuesday, March 29, 2022 8:15:27 PM

---

**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.

Anita McNamara,

My name is Ezekiel Burr, I live at 5320 S. Butts Rd. I live directly North of the Sagu Residence and my property adjoins their property.

My residence where I reside is CR-1. I also purchased 5 acres behind my property in 1999 which is SR-1. I purchased that property because of the unique dense desert scenery. It has beautiful, quite, sunrises and awesome, calm sunsets. This 5 acre, SR-1 property also adjoins the Sagu Residence.

I do not want 5450 S. Butts Rd. to be rezoned for low intensity urban 1.2. My vote is against rezoning for P22RZ00003 SAGU.

Recently, a request to rezone at 5401 S. Sheridan Ave., which is located directly southwest, and within 300' was allowed to be sectioned to CR-1 from SR-1. There was more than 20 percent of property owners within 300' who voted against the rezoning. I don't know how this was allowed? It's sometimes discouraging and frustrating as a home owner and I feel that our votes don't count.

As a home owner, I get up 5, 6, and many times 7 days a week and go to work to pay bills and most of all property taxes. When Pima County raises them, I just pay them because I am appreciative to live in a SR-1 area. Please, help keep this beautiful, lush desert are of ours SR-1 zoned.

Thank you

Ezekiel Burr

Sent from my Verizon, Samsung Galaxy smartphone