



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/2/2022

*= Mandatory, information must be provided

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

***Title:**

ORDINANCE: P22RZ00003 SAGU – S. BUTTS ROAD NO. 2 REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on May 3, 2022.

***Discussion:**

The rezoning was for approximately 4.90-acres from the SR (Suburban Ranch) 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.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Anita McNamara, Senior Planner

Telephone: 520-724-6692

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



Subject: P22RZ00003

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AUGUST 2, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: July 12, 2022

ORDINANCE FOR ADOPTION

P22RZ00003 SAGU – S. BUTTS ROAD NO. 2 REZONING

Owner: Claudio and Luz Sagu
(District 5)

If approved, adopt ORDINANCE NO. 2022 - _____

OWNER: Claudio and Luz Sagu
5450 S Butts Road
Tucson AZ 85757-9331

AGENT: Luz Sagu
5450 S Butts Road
Tucson AZ 85757-9331

DISTRICT: 5

STAFF CONTACT: Anita McNamara, AICP, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/AM
Attachments

c: Luz Sagu

ORDINANCE 2022-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 4.90 ACRES OF PROPERTY (PARCEL CODE 210-01-038C) FROM THE SR (SUBURBAN RANCH) ZONE TO CR-1 (SINGLE RESIDENCE) ZONE, IN CASE P22RZ00003 SAGU – S. BUTTS ROAD NO. 2 REZONING, LOCATED NORTHWEST OF THE T-INTERSECTION OF S. BUTTS ROAD AND W. DAKOTA STREET, AND AMENDING PIMA COUNTY ZONING MAP NO. 37.

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

Section 1. The 4.90 acres located northwest of the T-intersection of S. Butts Road and W. Dakota Street and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 37, is rezoned from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. 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 (Exhibit B).
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)."

Section 3. Time limits of conditions. Conditions 1 through 8 of Section 2 shall be completed no later than May 3, 2027.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.


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

Chair, Pima County Board of Supervisors

ATTEST:

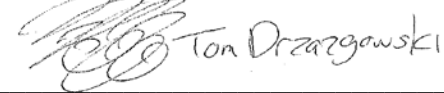
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Krystal A. De La Ossa

APPROVED:



Executive Secretary
Planning and Zoning Commission

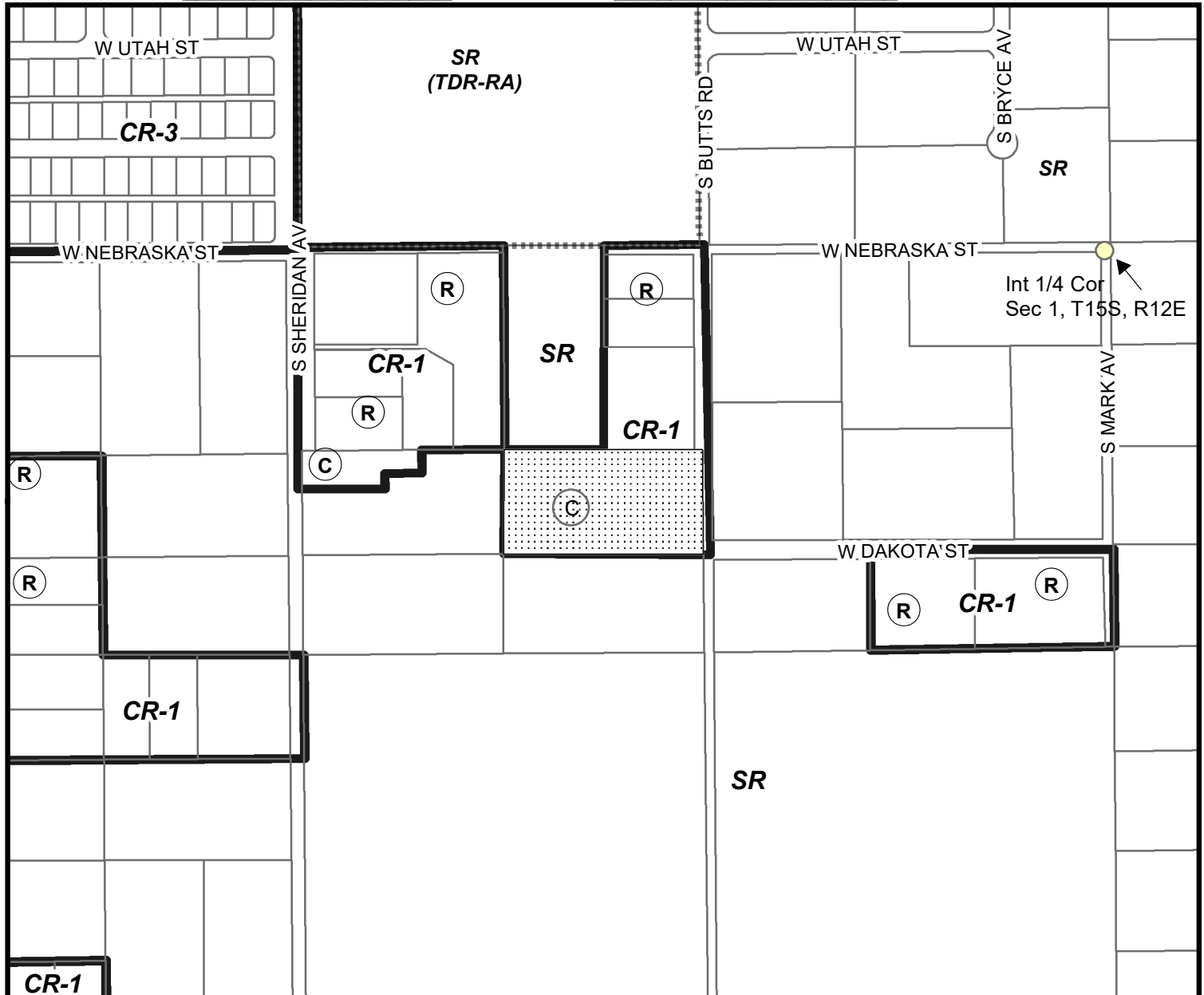
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 37 TUCSON AZ. BEING A
PART OF THE N 1/2 OF THE SW 1/4 OF SECTION 1, T15S R12E.



0 120 240 480 Feet
[Scale bar]

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.90 ac
ds-June 27, 2022

P22RZ00003
21001038C



