
From: COB_mail
Subject: Protest Regarding P15RZ00003 Hardy-Thornydale 1 Associates, ET AL.- W. Hardy Road Rezoning Request

From: Kathy J. Harper-Beckett
Sent: Sunday, January 10, 2016 11:55 AM
To: Robin Brigode <Robin.Brigode@pima.gov>; District1 <District1@pima.gov>; DIST2 <DIST.2@pima.gov>; District3 <District.3@pima.gov>; District4 <District4@pima.gov>; District5 <District5@pima.gov>
Subject: Protest Regarding P15RZ00003 Hardy-Thornydale 1 Associates, ET AL.- W. Hardy Road Rezoning Request

Re: P15RZ00003 Hardy-Thornydale 1 Associates, ET AL.- W. Hardy Road Rezoning Request of Hardy-Thornydale 1 Associates, Et Al.

January 9, 2016

Ms. Brigode, Supervisor Bronson, Supervisor Valadez, Supervisor Carroll, Supervisor Miller, Supervisor Elias:

On September 25, 2013, the Planning and Zoning Commission voted 6-1 to **DENY** the amendment to the Comprehensive Plan requested by Red Point Development. After many residents of the neighborhoods impacted by a change in the Comprehensive Plan spoke, the Commission found **no compelling reasons to amend the Plan.**

However, the Board of Supervisors chose not to consider the decision of the Planning and Zoning Commission's members. It was as though the recommendation had been forgotten. Property owners spoke at multiple Board meetings spanning several months and wrote to each member of the Board re: why there was no compelling reason to change the Plan from LIU to MIU. The Board voted to amend the Plan, contrary to Planning and Zoning's denial of amending the Plan and to the reasoning expressed by multiple property owners.

Now, Red Point Development, represented by Jim Portner of Projects International, Inc., is requesting rezoning of 30 acres behind our homes from the SR zone to the CR-5 zone. **I am writing to protest the proposed rezoning of P15RZ00003.**

Maya Estates, a community of 28 homes, abuts the parcel. It is actually two parcels, one of 10 acres immediately behind our homes, and an additional 20 acres further to the west. We all purchased our homes fully aware that the parcels were zoned SR and that development may happen in the future with one home per 3.1 acres.

If rezoning is granted to Red Point Development, the proposal is to build 84 homes on the property with two story and one story homes. Old growth saguaros and ironwood trees are abundant, and wildlife including bobcats, javalina, coyotes, rabbits, snakes, squirrels, owls, hawks, and multiple bird varieties frequent this byway. **Immediately north of the property is SR zoning, not CR-5. East of the property, along Hardy Road, is not CR-5 zoning. Immediately south of the property is the Legacy School. The Developer referred during previous hearings to this parcel as being in the middle of CR-5 zoning. This is not true. It is not located on a busy corner on Thornydale Road.**

This property had been before previous Boards, and the previous Supervisors chose **not** to amend the Comprehensive Plan for the same reason that the Planning and Zoning Commission stated when it **denied** making the change. There were no compelling reasons.

The property owners lost the battle and the Comprehensive Plan was changed. In late November, 2015, in a meeting the day before Thanksgiving, the Planning and Zoning Commission agreed to the new proposal. Letters of protest and members of the community were ignored.

I am appealing to the Board of Supervisors to consider the enormous impact to property owners, who are your constituents, should this rezoning request be granted. I **protest and object** to the rezoning request. My neighbors and I have acted in good faith through this process. I ask that the Board consider the many negative implications for our community should this rezoning request be granted.

Thank you for your consideration.

Sincerely,

Katherine Harper-Beckett
8775 N. Maya Ct.
Tucson, AZ 85742

January 12, 2016

Pima County Board of Supervisors
Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701

Dear Pima County Board of Supervisors,

My wife, Izabel, and I attended the planning and Zoning Commissions public hearing on September 25, 2013 meeting to provide testimony, opposing the request by Jim Portner, representing Projects, International, Inc., to amend the Pima County Comprehensive Plan (Co7-13-06). The following is an excerpt from the report of this meeting submitted to the Commission by Arlan Colton on September 30, 2013. As you will note, the Commissioners present at the meeting voted to deny this request by the impressive margin of 6 to 1.

9) **Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD
PLAN AMENDMENT**

Request of Hardy-Thornycdale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU 0.3)** to **Medium Intensity Urban (MIU) for approximately 30.0 acres** located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornycdale Road, in Section 29, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **DENY**.

The motion **PASSED** (6 – 1; Commissioner Richey voted **NAY**; Commissioners Poulos, Holdridge, and Membrilla were absent).

We were pleased that the Commissioners agreed with us and hoped that this recommendation would be accepted by the Pima County Board of Supervisors. Unfortunately, this was not the case, as the Board of Supervisors chose not to follow this recommendation, resulting in an amendment to the Pima County Comprehensive Plan and the formal request for rezoning this parcel of land appearing on the agenda for the upcoming public hearing on January 19, 2016 (Case #: P15RZ00003 – Case Name: HARDY-THORNYDALE 1 ASSOCIATES, ET AL – N. HARDY ROAD REZONING – Tax Code(s): 225-29-009D & 229-29-009F)

I have lived in Tucson for nearly 30 years, spanning two distinct time periods, beginning in 1955 when my family settled here after a move from Indiana. Growing up in Tucson, I lived on what was then the far east-side of town, where 22nd street was unpaved beyond Wilmot Road. In the early days we lived outside the city limits. Directly across the street from our modest home on Colgate Drive was pure desert, at least for a while. I lived in and loved the desert for 18 years. I left Tucson following my graduate studies and working at the University of Arizona in 1973, relocating again to Tucson 30 years later when my wife and I retired.

My dream of returning to Tucson 12 years ago included re-capturing the magic of living with a view of the desert as I had experienced in my youth. My wife and I searched far and wide for a home within our means which would provide such a setting. We found what we considered to be the perfect location, the last home to be built in a lovely development known as Maya Estates.

The rear of our property faces west, abutting a lush ironwood forest, replete with chollas, prickly pear and other cacti, including Arizona's trademark, stately saguaros, in an environment supporting cottontails, various reptiles, raptors, a plethora of other bird species, all periodically blanketed by remarkable sunsets over Sombrero Peak. Here we have lived since March of 2004, frequently visited by bobcats, less frequently by javelinas, and with coyotes roaming freely in our desert. Our home's price, outside our initial retirement plans, was worth the sacrifice.

In fact, a large part of our decision was based on information we had acquired, showing this property, some 30 acres, as zoned to accommodate a maximum of 3 residences on each 10 acre plot. We were comfortable with this, reasonably certain that this density of houses would not be too invasive. We have also become aware that this zoning is extant through a corridor running southwest and northeast from this particular acreage, providing a pleasing buffer of SR zoned properties, and allowing the co-existence of a rich desert environment among other neighborhoods, such as ours, zoned for an increased density of residences.

Our future years of enjoyment of this wonderful environment we sought and finally realized are now being threatened. We are shocked and dismayed at the very thought this beautiful desert environment which we assumed would, in perpetuity, be limited to the existence of 9 residences could actually be rezoned, becoming a sight for over 80 homes. To us, this is an untenable prospect! We protest this rezoning request. Please allow the desert corridor, zoned SR, to remain in our neighborhood. Its flora and fauna are gifts to all of us to live among and cherish. This desert paradise deserves preservation to the maximum extent.

My participation in this process has left me dismayed with the approach to planning which has evolved in Pima County. When this process began we felt confident, due to the existence of the Comprehensive Plan, that the parcel of land abutting our property would remain zoned as it was. After all, the name "Comprehensive Plan" suggested permanency based on concerted efforts at research and thought designed to allow a beneficial coexistence of natural and human habitat. The fact that the Coalition for Sonoran Desert Protection had been consulted on various projects throughout the years, including this Comprehensive Plan Amendment and rezoning request, suggested foresight and a genuine desire to preserve as much natural habitat as possible as Tucson and the surrounding communities expand.

Unfortunately, this has not proven true. As mentioned above, even with the overwhelming vote on the part of the Planning and Zoning to recommend the denial of the original request for changing the Comprehensive Plan as it pertains to this property, the Board of Supervisors bowed to the developer's wishes, voting to modify the Comprehensive Plan to allow for the consideration of rezoning. A critical event in this decision was the 11th hour revelation that compromises had been made in non-public meetings, including the participation of the developer's representatives, the Coalition for Sonoran Desert Protection, and the Pima County Office of Sustainability and Conservation. During the February 18, 2014 meeting of the Pima County Board of Supervisors it was disclosed that an unnamed property or properties, somewhere in Pima County, had been set aside, prohibiting future development, as a trade-off for allowing the consideration of rezoning the property in question. Frankly, I was appalled at this. What does such a step suggest about the future of all vacant lands in Pima County? What could prevent the same mitigation at some point down the line on these same unnamed property or properties then previously vowed to be left undeveloped? Also, non-disclosure of the location of such property or properties denies any oversight in assuring these lands are equivalent to that being subjected to development. Are there ironwood trees on these properties? What is the concentration of saguaros and other cacti? What about the wildlife inhabiting these areas? The absence of answers to these questions decries such mitigation.

A final comment... it is not now, nor has it ever been, our intent to prevent the development of this property. It is simply that we desire to retain the original confidence we had when purchasing our home, that the extant zoning would be preserved and a maximum of 9 homes be allowed in the 30 acres abutting our property.

We hereby offer our formal opposition to this rezoning request.

Gilbert Williams III
Izabel Williams

8747 N. Maya Court
Tucson, Arizona 85742