

CO9-02-06

160(5) Ina Rd  
1601

Chair Brandon, Supervisors

My name is Rita Hall. I live in the Casas Adobes area of NW Pima County, off La Canada Dr & Ina Rd - approximately 1500' from the subject property. I am here today at the request of the residential property owners adjacent to the parcel being reviewed - as I was their representative for the original rezoning request in 2003.

First - I want to clarify the misleading statement in the staff report alluding to "no public comment" as though no one objects to this request.

The truth is - notification to the surrounding property owners was sent on Oct 2 - 1 week after the comment deadline of Sept 28. In point of fact - there is unanimous opposition from the property owners including, and most significant perhaps, from doctors in the medical office complex.

- The original rezoning condition which you are <sup>being</sup> asked to waive states "... additional residential lots may be created when physical and legal access can be provided other than thru the office complex parking lot"

To now provide access thru said parking lot against the desires of the owners of the office complex constitutes a "taking" - which is NOT a legal access.

2  
additionally

The Supervisors in 2003 saw that there were safety and liability issues if access was granted through a parking lot which has multiple clients arriving and leaving throughout the day. (Many of these clients are young children).

Nothing which led to the board's decision in 2003 has changed

- The argument for approval of this waiver states that emergency service providers do not object to using the office complex as access to the proposed residential site.

- NW fire district allowed that "a residence could be accessed by fire apparatus..." through a dedicated access lane with appropriate signage leaving that lane clear.

↳ i.e. Not for general use as a roadway

They were only asked to comment on access to the parcel as is.

They never accepted or commented on the safety of 3 residences crowded together on that site. They were not informed of the proposed use.

Further

Far greater than the occasional and hopefully infrequent possibility of emergency use - there is the issue of how this access lane would be used by 3 residences with multiple cars and an unknown number of daily trips back & forth across the office parking lot disturbing the primary use as a parking lot.

This presents an added issue of safety for the clients of the medical offices and forces the various doctors in these offices to undertake an added liability to which they have not agreed.

- You are creating an unintended use of a thoroughfare through a parking lot and you are asking the existing medical office owners to take on an additional burden to their detriment for the benefit and personal gain of the one owner of this parcel.

- The current owner and proposed developer of this parcel knew the restrictions and accepted them when they obtained the parcel and did nothing to mitigate their own dilemma such as purchasing the land immediately adjacent to the west boundary of this land thereby providing their own access. That adjacent property was available for sale over a period of 10 years. Further - the current owner of the adjacent property was never approached about granting access. I don't know that they would have agreed BUT they were never asked - and that would certainly be a safer solution.

4

Lastly -

I ask that you recognize that this request constitutes a Substantial Change as defined by the Pima County Zoning Code (18.91.020(A)7) and therefore requires that you proceed differently on this matter.

Please vote NO on this request for a substantial modification of the existing conditions and restrictions.  
It is in no one's best interest to create an added safety hazard.

RITA HALL