

January 13, 2016

Pima County Planning Division
201 N. Stone, 2nd Floor
Tucson, AZ 85701

Attention: Terri Tillman

RE: Our formal protest to Case #: P15RZ00003 – Case Name: HARDY-THORNYDALE 1 ASSOCIATES, ET AL – N. HARDY ROAD REZONING

My wife, Izabel, and I attended the planning and Zoning Commission's 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 1 ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT**

Request of Hardy-Thornydale 1 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. Thornydale 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.

Our participation in this process has left us 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 Commission 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 agreed upon 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, we were appalled. 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 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
Phone: (520) 219-0559
E-mail: docebel50@hotmail.com

Re: P15RZ00003 Hardy-Thornycastle 1 Associates, Et Al - W. Hardy Road Rezoning. Public hearing to be held by the Pima County Board of Supervisors, scheduled for January 19, 2016.

January 18, 2016

From:

**Kurt Kenagy
8662 North Maya Court
Tucson, AZ 85742**

As a homeowner living within 300 feet of the area in question, I submit this as my formal protest against the proposed rezoning. Below is a detailed account of the actions that have led to this rezoning hearing:

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.

My wife and I live in Maya Estates, a community of 28 homes, which abuts the parcel in question. We purchased our home 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. 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.

The Board of Supervisors needs to listen to the voices of those who currently pay taxes here in Pima County, not just the rich developers who want to cram as many houses as possible on to every square inch of the land.

Recent construction of a huge apartment complex to the Southwest of our neighborhood will already place far too many people in this area, without any thought regarding the infrastructure needed to support several thousand new residents. Additionally, we have had an entire shopping center sitting empty around the Walgreens at Thornydale and Overton for several years. Do we really need more development in this immediate area, when it is obvious that it is overbuilt already? The Board of Supervisors should be better stewards of the land in the district that they are supposed to represent.

Thank you for your consideration.

Sincerely,

Kurt Kenagy

A handwritten signature in black ink that reads "Kurt Kenagy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Sherry and Rolf Ziegler
8663 N. Maya Ct.
Tucson, AZ 85742

January 17, 2016

Board of Supervisors
Pima County Planning Division
201 N. Stone, 2nd Floor
Tucson, AZ 85701

Attention: Terri Tillman

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

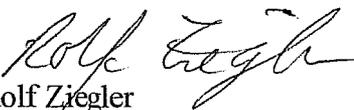
In 2013 The Planning and Zoning Commission denied the Amendment of the Comprehensive Plan of the above mentioned area. The Board of Supervisors ignored the recommendation and amended the plan from SR to CR-5.

We protest this decision. This decision not only degrades the value of our homes, it will also destroy a nice and functioning ecosystem, which contains a large variety of plants and animals, from invertebrates like insects to birds and mammals.

It would be wonderful if the area would be kept as it is. We ask the Board of Supervisors to deny the rezoning and leave it as SR. We moved into our homes knowing that the parcel (P15RZ00003) is an SR area. This would not degrade the values of our houses and the damage to the ecosystem would be limited.

We protest and object to the rezoning request by Red Point!
If you proceed with the rezoning, we ask that the distance of the development to our homes be at least 150 feet and that no two story homes be allowed.

Thank you for your consideration,


Rolf Ziegler


Sherry Ziegler

Plaza Pet Clinic, Ltd.

Ann Campbell, RRT. DVM.
2840 W. Ina Road, Suite 100
Tucson, Arizona 85741
(520) 544-2080

January 18, 2016

Re: P15RZ00003

Dear Pima County Board of Supervisors,

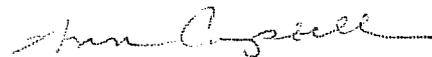
Several of us have been to every meeting and then some regarding the upzoning of Co7-13-06 and are dismayed that this was obviously a fait accompli even after the Zoning Commission voted to deny the change in a 6 to 1 vote in the fall of 2013. It amazes me that each day we sit and wait for our concerns to be considered costs my clinic \$3,000.00 which covers payroll, bills, equipment leases etc. and yet Pima County is all ears when it comes to money or politics. (Mr. Portner, Red Point, Ms. Campbell and Mr. Huckleberry...)

I bought a veterinary practice here and moved to my home in 2002. I purchased this property as it was a perfect haven for me with its beauty, open desert, and wildlife, and appeared to be a sound investment because the wonderful open desert to the west was zoned SR as a part of the Comprehensive Plan. Although this area has not been described accurately by those proposing to change this 30 acres from SR to MIU, it is contiguous with a corridor of one home per 3.3 acres that nurtures the plant and wildlife, and the kind of neighbors that appreciate it.

Now, instead of the number of raptors or bobcats or Ironwoods in this corridor, Pima County is talking about the number of houses and creating a corridor for buses! We have folks leaving Tucson because of this lack of respect for what is truly valuable about where we live.

“One story houses are passé now because people want the square footage.” They can get the square footage and won’t destroy the environment if they have 3.3 acres to live on! The building of higher density homes in Tucson has skyrocketed. Has anyone looked at the world economy recently? We may be decimating an irreplaceable asset and creating stack-a-shacks that will not be marketable and why? Because we are worried about the price of longer sewer pipes? God help us!

In Total Disbelief,



Ann Campbell, DVM

8761 North Maya Ct,
Tucson, AZ. 85742
(520) 744-6908

Case P15RZ00003

Pima County Board of Supervisors,

We are protesting the rezoning of the property Case P15RZ00003.

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. The commission found no compelling reasons to amend the plan.

Unfortunately, the Board of Supervisors decided not to consider the decision by the members of this commission.

At the Board of Supervisors public hearings it became very clear that Red Point Development, the Pima County Administrator and the Coalition for Sonoran Desert Protection were working on their own plan to satisfy their agenda. It was announced that four unrelated and separated parcels would be considered as one entity.

Comments from members of the Board of Supervisors during the first round of Public Hearings. "There's no guarantee if the zoning retained it's current SR designation that the new owners would retain the desert." Hard to believe. Local residents with SR property are extremely protective of their treasures, and minimal disturbance of the desert during residence construction is evidenced.

One guarantee is certain, the developer will rip out the desert.

If the Coalition for Sonoran Desert Protection stays true to their cause, each parcel should have been decided on their own merits. Maximizing preservation of Sonoran Desert should have been their only goal for all four parcels.

As it stands now, the Hardy-Thornydale parcel receives only a preservation of 33%. The other 3 parcels will finish up with a percentage of 40%, 48% and 85%, according to the information given by Red Point Development.

Why has it been decided to built on the Hardy-Thornydale parcel and eliminate most of the desert? Total set-aside area of 33.3%.

Why has it been decided to preserve the Pacific International Properties parcel and preserve most of the desert? Total set-aside area of 85.3%.

Leaving properties P15RZ00003 and P15Z00005 with SR zoning designation, allows for 25 combined building sites of 3.3 acres. This will guarantee sufficient desert remaining on each of the properties.

Looking at the aerial maps supplied by the developer and Pima County. We have a beautiful balance of land use. Existing zonings from SR, CR1, CR2, CR3, CR4, and CB1. By retaining the current zoning, you will continue the wildlife and desert habitat. At

the same time ample supply of housing has been created over the years in a variety of styles, lot size and price affordability. The current zoning mix is balanced and should be preserved. Because it is a fill-in construction site doesn't rectify the change in the zoning to CR-5. Currently, sufficient housing in the immediate area are classified CR-4 and CR-5. Pima County should be proud of the well balanced construction approach. The aerial maps support our strong opposition of the zoning amendment.

We moved to beautiful Tucson in 1998. Before buying our current home, we made a trip to the County Offices. We had two major concerns, the property behind our house, and the possible extension of Hardy Road. After talking to county staff, seeing and purchasing a copy of the Plat, we decided to purchase our house on Maya Court. Hardy road would retain its current configuration and the land designation SR. My family and many of our neighbors purchased property based on the information that SR represent approximately one home per 3 acres.

We are strongly objecting to the rezoning request by Red Point Development.

Case P15RZ00003

Hans and Galen DeWeerd
8789 North Maya Court
Tucson, AZ 85742
Parcel ID: 225-29-4470

Handwritten signatures of Hans and Galen DeWeerd. The signature of Hans is written above the signature of Galen.

ROY J. CRAWFORD

8690 N. MAYA CT.
TUCSON, AZ. 85742
520-744-3616

January 14, 2016

Pima County Development Services department
Planning Department
201 N. Stone Ave. 2nd Floor
Tucson, Az 85701

Re: Rezoning P15RZ000
Hardy-Thornycdale 1 Associates, Et Al
W. Hardy Road Rezoning

To Whom It May Concern:

My name is Roy Crawford, I reside at 8690 N. Maya Ct. in the Maya Estates which is directly east of the proposed zoning change area and well within the 300 foot area of the proposed change.

I am writing this letter to protest the proposed change to the CR5 zoning. We in Maya Estates feel that when we purchased our property here the areas to the west of us would remain low density residential and we could expect our property to retain it's value.. We feel that to raise the density zoning in the area would greatly decrease our property values.

I also do not believe there is a need for higher density housing in the area as there are hundreds of apartments under construction at the corner of Cortaro Rd. and Shannon soon to be open.

The school on Cortaro Rd. has plans to expand to the north. With this expansion and the possibility of this zoning increase there will be practically no desert habitat left for the wildlife to hunt except in our yards where we have children and pets. We are pinching off the natural desert habitat more every day and replacing it with roofs.

There are thousands of empty square feet of commercial space between Cortatro Rd. and Overton and there are NO roads in the area that can stand any more traffic, especially Thornycdale which would be directly affected.

We are not opposed to development, but we are strongly opposed to the increase in density..

Thank you for your consideration,



Roy J. Crawford